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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Pay Plan2) Code Citation: 80 Ill. Adm. Code 3103) Section Numbers: Proposed Action:

310.100	Amended
310.110	Amended
310.130	Amended
310.230	Amended
310.240	Amended
310.495	Amended
310.Appendix B	Amended
310.Appendix G	Amended

4) Statutory Authority: Authorized by Sections 8 and 2a of the Personnel Code (20 ILCS 415/8 and 8a).5) A Complete Description of the Subjects and Issues Involved: The following amendments to Sections 310.100, 310.110, 310.130, 310.240 and 310.Appendix B reflect the Fiscal Year 1997 Pay Plan changes that affect those employees subject to the Schedule of Salary Grades.

In Section 310.100, Other Pay Provisions, the "Step 1a" is being changed to "Step 1c" (in subsection (b) and (b)(1)(B) to reflect the entrance step in the salary schedules for AFSCME Bargaining Units and the Schedule of Salary Grades for Fiscal Year 1997.

In Sections 310.110 (Implementation of Pay Plan Changes for Fiscal Year 1996) and 310.130 (Effective Date), the dates are being changed to reflect the new Fiscal Year 1997. In Section 310.130, subsection (c), the "Step 1b" is being changed to "Step 1c" to reflect the entrance step in the salary schedules for AFSCME Collective Bargaining Units and the Schedule of Salary Grades for Fiscal Year 1997.

In Section 310.240, Hourly Rate, the number "7" is being deleted in reference to salary ranges consisting of "7 steps" in the salary schedules of AFSCME Bargaining Units and the Schedule of Salary Grades.

In Section 310.Appendix B, the Schedule of Salary Grades is proposed to include a general increase of 1% identical to that to be received by the AFSCME Collective Bargaining Units for July 1, 1996, to maintain alignment.

The Department of Mental Health and Developmental Disabilities has requested that the maximum hourly rate for the class of Physician Specialist (Option D) be upgraded. The agency has stated that the lack of trained psychiatrists has been a recurrent issue identified by HCFA, JCAHO and the U.S. Department of Justice.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the maximum hourly rate for the class of Physician Specialist (Option D) is being revised from \$85 to \$115 per hour. The new maximum hourly rate of \$115 will help recruit and retain employees for these critical positions.

In Section 310.495, Public Service Administrator Class Series, the Section heading is being changed to "Broad-Band Pay Range Classes". The revision of Section 310.495 will allow this Section to accommodate Street Classes which are established with the broader design as used with the Senior Public Service Administrator and Public Service Administrator.

A provision is established in subsection (g) that provides for moving employees into the new range if their former range is encompassed by the new range, and for moving employees into the range with a 3% increase in the new range is at a higher level than their current range with stipulation established for determining range relationships.

In Section 310.Appendix G, Public Service Administrator Class Salary Schedule, the Section heading is being changed to "Broad-Band Pay Range Classes Salary Schedule". The new classifications of Human Resources Representative and Human Resources Specialist are being included within Appendix G with the monthly salary ranges of \$1,836 - \$3,436 and \$2,112 - \$4,087, respectively. These two new classes will replace fourteen personnel and labor relations titles.

6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain any incorporations by reference? No9) Are there any proposed amendments pending to this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.230	Amended	20 Ill. Reg. 4060 (March 8, 1996)
310.Appendix A, Table AA	Amended	20 Ill. Reg. 4091 (March 15, 1996)

10) Statement of Statewide Objectives: These amendments to the pay plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: The amendments reflecting the Fiscal Year 1997 changes affecting employees subject to the Schedule of Salary Grades were projected in the January 1996 Regulatory Agenda which includes Sections 310.100, 310.110, 310.130, 310.240 and 310.330.

The amendment to upgrade the maximum hourly rate for the Physician Specialist (Option D) in Section 310.230 was not projected in any Regulatory Agenda. The request from the agency had not been received before January 1996.

The amendments to Sections 310.195 and 310.330 Appendix G were not published in any Regulatory Agenda because the study relating to the broad-banding of certain personnel titles had not been completed as of January 1996.

The full text of the proposed amendment(s) begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

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PAY PLAN

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AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code (2) ILCS 415.8 and 8a1.

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2140, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 13616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21514, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 13, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 3, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 13043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3290, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory

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amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 12675, effective July 23, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 13, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3311, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7793, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 11778, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8949, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11354, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 4, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 1570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16022; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854,

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effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 563, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5968, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective August 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 338, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 438, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 6411, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 3, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19403, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 31958, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 1107, effective January 19, 1994; December 17, 1993; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 5146, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 5146, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 5146, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16415, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 1096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160,

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effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 1060, effective February 27, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: NARRATIVE

Section 310.100 Other Pay Provisions

a) Transfer -- Upon the assignment of an employee to a vacant position in a class with the same salary grade as the class for the position being vacated, the employee's base salary will not be changed. Upon separation from a position of a given class and subsequent appointment to a position in the same salary grade, no increase in salary will be given.

b) Entrance Salary -- Normally upon original entry to state service, an employee's base salary will be at Step 1C of the salary grade.

1) Qualifications above Minimum Requirements --

A) If a candidate possesses directly related training and experience in excess of the minimum requirements of the class specification, the entrance salary may be up to Step 3 as determined by the employing agency. The salary offered should not provide more than a 10% increase over the candidate's current salary.

B) Such qualifications above the minimum requirements must possess documented support for higher than the Step 1C entrance salary. An entrance salary higher than Step 3 must have prior approval from the Director of Central Management Services.

2) Area Differential -- For positions where additional compensation is required because of dissimilar economic or other conditions in the geographical area in which such positions are established, a higher entrance step may be authorized by the Director of Central Management Services. Present employees receiving less than the new rate shall be advanced to the new rate.

3) Upon the geographical transfer from or to an area for which additional compensation has been authorized, an employee will receive an adjustment to the appropriate salary level for the new geographical area of assignment effective the first day of the month following date of approval.

c) Differential and Overtime Pay -- An eligible employee may have an amount added to his/her base salary for a given pay period for work performed which is in excess of the normal requirements for the position and work schedule, as follows:

1) Shift Differential Pay -- An employee may be paid an amount in addition to his/her base salary for work performed on a regularly scheduled second or third shift. The additional compensation will be at a rate and in a manner approved by the Department of

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Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

2) Overtime Pay --

A) The Director of Central Management Services will maintain a list of titles whose incumbents are eligible for overtime at a time and one-half rate for all hours actually worked in excess of the normal work schedule in any given work week. Overtime shall be paid in cash only unless an employee requests compensatory time off at the time and one-half rate. Such request shall be considered and granted or denied by the agency in light of their operating needs. The employee shall make his/her choice known to the agency not later than the end of the work week in which the overtime was earned. If such compensatory time request is granted, it shall be taken within the fiscal year it was earned at a time convenient to the employee and consistent with the operating needs of the agency. Accrued compensatory time not used by the end of the fiscal year in which it was earned shall be liquidated and paid in cash at the rate it was earned.

B) A list will also be maintained by the Director of Central Management Services of titles whose incumbents are eligible for straight-time overtime. Employees in these classes of positions who are assigned and perform work in excess of the normal work schedule as established by the agency shall be compensated at a straight-time rate or either a cash or compensatory time-off basis, as determined by the agency in light of their operating needs, for all hours worked in excess of a normal work week. Overtime in less than one-half hour increments per day shall not be accrued. If compensatory time is not liquidated within the fiscal year during which it is accrued, it must be liquidated at the end of the fiscal year in cash at the employee's rate of pay in effect at the time of liquidation.

3) Incentive Pay -- An employee may be paid an amount in addition to his/her base salary for work performed in excess of the normal work standard as determined by agency management. The additional compensation shall be at a wage rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

4) Extra Duty Pay -- An employee may be paid an amount in addition

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to his/her base salary for service in addition to the regular work schedule on a special work assignment. Additional compensation will be at a rate and in a manner approved by the Director of the Department of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- d) Part-Time Work -- Part-time employees whose base salary is other than an hourly or daily basis shall be paid on a daily basis which will be computed from annual rates of salary and the total number of work days in the year.

- e) Out-of-State Assignment -- Employees who are assigned to work out-of-state on a temporary basis may receive an appropriate differential during the period of the assignment, as approved by the Director of Central Management Services. The Director of Central Management Services will approve the manner and rate of this provision after considering the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

- f) Lump Sum Payment -- Shall be provided for accrued vacation and overtime at the current base rate to those employees separated from employment under the Personnel Code. Leaves of absence and temporary lay-off (per 80 Ill. Adm. Code 302.510) are not separations and therefore lump sum cannot be given in these transactions. Method of computation is explained in Section 310.70(a) of this Part.

AGENCY NOTE -- The method to be used in computing lump sum payment for accrued vacation and overtime payment for an incumbent entitled to shift differential during his/her regular work hour will be to use his/her current base salary plus the shift differential pay.

- g) Salary Treatment Upon Return From Leave -- An employee returning from Military Leave, Peace Corps Leave, Vista Leave, Service-Connected Disability Leave, Leave to accept a Temporary, Emergency, Provisional, Exempt or Trainee position, or Educational Leave will be placed on the step which reflects satisfactory performance increases to which he/she would have been entitled during his/her period of leave. Creditable service date will be maintained. An employee returning to his/her former salary grade from any other leave of over fourteen days will be placed at the step on which he/she was situated prior to his/her leave, and his/her creditable service date will be extended by the duration of the leave.

- h) Salary Treatment Upon Reemployment --

1) Upon the reemployment of an employee in a class with the same salary grade as the class for the position held before layoff, the employee will be placed at the same salary step as held at the time of the layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as

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creditable service time.

- 2) Upon the reemployment of an employee in a class at a lower salary range than the range of the class for the position held before layoff, the employee will be placed at the step in the lower salary grade which provides the base salary nearest in amount to, but less than, the current value of the step held at the time of layoff, and his/her creditable service date will be adjusted to reflect that time on layoff does not count as creditable service time.

- i) Reinstatement -- The salary upon reinstatement of an employee will be as determined by the employing agency and approved by the Director of Central Management Services. This salary should not provide more than a 10% increase over the candidate's current salary or exceed the current value of the salary step held in the position where previously certified. In no event is the resulting salary to be lower than the minimum rate or higher than the maximum rate of the salary range.

- j) Extended Service Payment --

- 1) Effective July 1, 1994, the Step 7 rate shall be increased by \$25.00 per month for those employees who have attained ten (10) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.

- 2) Effective July 1, 1994, the Step 7 rate shall be increased by \$50.00 per month for those employees who have attained fifteen (15) years of service and have three (3) years of creditable service on Step 7 in the same pay grade.

- k) Bi-Lingual Pay --

- 1) Effective October 1, 1994, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional \$4 or \$75.00 per month whichever is greater in addition to the employee's base rate.

- 2) Effective July 1, 1995, individual positions whose job descriptions require the use of sign language or a second language shall receive an additional \$4 or \$100.00 per month whichever is greater in addition to the employee's base rate.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 310.110 Implementation of Pay Plan Changes for Fiscal Year 1997 1996

- a) The rates of pay for all employees occupying positions subject to the Schedule of Salary Grades shall be as set out in Appendix B, Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 1997 1996.

- b) Any employee who received a salary payment for part of Fiscal Year 1996 1995 that did not reflect the rates in Section 310.110 Appendix B for Fiscal Year 1997 1996, shall receive a lump sum payment equal to the difference between what was initially paid and what is appropriate per that provision.

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- c) The Step la rate for each salary range that was in effect as of July 1, 1994, will remain the same and be put into the Fiscal Year 1997 1996 Schedule of Salary Grades as Step 1c Step-1b.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 310.130 Effective Date

The effective date of this Pay Plan Narrative (Subpart A), Schedule of Rates (Subpart B), and Schedule of Salary Grades (Appendix B), shall be July 1, 1996 1995.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART B: SCHEDULE OF RATES

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) of this Part if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Account Technician II	11.00 to 14.08 (hourly)
Apiary Inspector	83 to 106 (daily)
Building/Grounds Laborer	32 to 50 (daily)
Building/Grounds Lead I	4.25 to 6.00 (hourly)
Building/Grounds Lead II	4.25 to 7.00 (hourly)
Building/Grounds Maintenance Worker	5.25 to 8.00 (hourly)
Chaplain I	5.00 to 6.00 (hourly)
Chemist I	32 to 70 (daily)
Conservation/Historic Preservation Worker	.2 to 45 (daily)
Conservation/Historic Preservation Worker (2nd season -- site interpretation)	4.50 to 6.50 (hourly)
Conservation/Historic Preservation Worker (3rd season -- site interpretation)	4.64 to 6.50 (hourly)
	4.78 to 6.50 (hourly)

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Dentist I	70 to 150 (daily)
Dentist II	100 to 185 (daily)
Educator	25 to 60 (daily)
Educator Aide	32 to 35 (daily)
Guard II	67 to 84 (daily)
Guard III	75 to 96 (daily)
Hearing and Speech Coordinator	15 to 30 (hourly)
Hearings Referee	75 to 200 (daily)
Janitor I	4.73 to 5.30 (hourly)
Labor Maintenance Lead Worker	5.00 to 6.00 (hourly)
Labor Relations Investigator	35 to 70 (daily)
Laborer (Maintenance)	4.25 to 5.70 (hourly)
Maintenance Worker	4.25 to 5.00 (hourly)
Occupational Therapist	40 to 160 (daily)
Program Coordinator	8.12 to 10.40 (hourly)
Office Aide	60 to 78 (daily)
	8.12 to 10.71 (hourly)
Office Assistant	60 to 80 (daily)
	9.16 to 12.00 (hourly)
Office Associate	58 to 90 (daily)
	9.16 to 12.36 (hourly)
	68 to 93 (daily)
	9.80 to 13.05 (hourly)
	73 to 98 (daily)
	9.80 to 13.44 (hourly)
	73 to 101 (daily)
	8.58 to 11.15 (hourly)
	64 to 84 (daily)
	8.58 to 11.49 (hourly)
	64 to 86 (daily)
	15 to 35 (hourly)
	50 to 160 (daily)
	100 to 300 (daily)
Physician	20 to 60 (hourly)
Physician Specialist (A)	100 to 325 (daily)
Physician Specialist (B)	20 to 70 (hourly)
Physician Specialist (C)	100 to 350 (daily)
Physician Specialist (D)	20 to 75 (hourly)
Physician Specialist (E)	100 to 360 (daily)
Physician Specialist (F)	20 to 115 #5 (hourly)
Physician Specialist (G)	100 to 370 (daily)
Podiatrist	50 to 125 (daily)
Psychologist I	35 to 80 (daily)
Psychologist II	40 to 125 (daily)
Psychologist III	40 to 150 (daily)
Recreation Worker I	5.33 (hourly)
	32 to 40 (daily)

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Registered Nurse I	39 to 54 (daily)
Registered Nurse I (2nd or 3rd shift)	41 to 56 (daily)
Registered Nurse I (Cook County)	43 to 58 (daily)
Registered Nurse I (Cook County - 2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II	43 to 58 (daily)
Registered Nurse II (2nd or 3rd shift)	44 to 59 (daily)
Registered Nurse II (Cook County)	45 to 60 (daily)
Registered Nurse II (Cook County - 2nd or 3rd shift)	47 to 62 (daily)
Social Worker II	35 to 75 (daily)
Social Worker III	35 to 80 (daily)
Student Worker	4.25 to 8.00 (hourly)
Tax Examiner	9.69 to 12.21 (hourly)
Technical Advisor II	73 to 92 (daily)
Technical Advisor III	32 to 35 (hourly)
Technical Advisor IV	32 to 60 (hourly)
Veterinarian II	50 to 80 (hourly)
	95 to 130 (daily)
(Source: Amended at 20 Ill. Reg. _____, effective _____)	

Section 310.240 Hourly Rate

Rates of pay for employees whose work is of an irregular nature and whose compensation is based on an hourly rate shall be computed as follows:

For classes having salary ranges consisting of 7 steps --
Conversion of the applicable salary step to an annual amount and dividing the result by the number of working hours in a year according to the normal work schedule of that class for the agency.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.495 Broad-Band Pay Range Classes Public-Service-Administrator Class-Series

Broad-band pay range The-Senior-Public-Service-Administrator--and--the--Public-Service-Administrator classes shall be covered by all provisions of the Merit Compensation System except for the provisions identified in the following subsections:

- a) Salary Range -- The salary range for broad-band the classes within-the

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- Public-Service-Administrator-series shall be as set out in Appendix G. Entrance Salaries -- The Director or chairman of the Department, Board or Commission shall review the education, training and experience of an employee to be placed in the broad-band Senior--Public-Service-Administrator--or--the-Public-Service-Administrator class and determine the employee's initial rate of pay.
- 1) The salary assigned an employee shall take into account the duties, education, training and experience of the employee to assure reasonable pay equity among employees in the same class.
 - 2) A report of the resultant rate of pay shall be provided to the Director of the Department of Central Management Services on the form provided for that purpose.
 - 3) An entrance salary should not provide more than a 10% increase over the candidate's prior salary without the prior approval of the Director of the Department of Central Management Services.
 - c) Salary Adjustments -- Salary adjustments for positions in broad-band Classes the--Public-Service-Administrator--class-series may be made by the employing agency where the employee has been given substantial additional responsibilities but will remain in the same classification. An increase of between 5% and 10% of current base salary may be given where the substantial additional responsibilities are documented on an updated job description and reflected on the organization chart.
 - d) Movement between Salary Systems -- Salary treatment on movement of an employee between one position in the broad-band Public--Service-Administrator class series and another position outside of the broad-band Senior-Public-Service-Administrator class series will be as recommended by the employing agency and approved by the Director of the Department of Central Management Services.
 - e) Salary Treatment upon Initial Placement of Positions in the Senior Public Service Administrator Class -- Incumbents of any position which was in salary ranges MC-12 through MC-19 prior to reclassification into the Senior Public Service Administrator class will be placed into the range with no change in salary, unless an increase is required to take the employee to the minimum salary for the appropriate level. Upon implementation of the Senior Public Service Administrator class, employees will be assigned to pay Level I, except that any employee whose current salary is more than \$63,000 or who is at a salary level of MC-15 or above prior to implementation will be assigned to Level II.
 - f) Salary Treatment upon Initial Placement of Positions in the Public Service Administrator Class -- Incumbents of any position which was in salary ranges MC-08 through MC-11 prior to reclassification into the Public Service Administrator class will be placed into the range with no change in salary.
 - g) Salary Treatment upon Initial Placement of Positions in Other Occupational Broad-Band Classes -- For the purpose of establishing salary treatment upon initial placement of positions, it is necessary

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to determine the "lowest corresponding Merit Compensation grade." The Merit Compensation range with a minimum salary closest to, but not lower than, that of the broad-band range minimum is known as the "lowest corresponding Merit Compensation grade."

1) The incumbent of a position with a current salary range maximum equal to or greater than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with no change in salary.

2) The incumbent of a position with a current salary range maximum less than the maximum of the "lowest corresponding Merit Compensation grade" will be placed in the broad-band range with a 5% increase in current base salary. However, in no event shall the resulting salary be lower than the minimum of higher than the maximum rate of the new salary range. The creditable service date of an employee will not be changed unless an increase of 10% or greater is provided to move the employee to the minimum of the new range.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 310.APPENDIX B Schedule of Salary Grades -- Monthly Rates of Pay for Fiscal Year 1997 1996

Effective-July-17-1995

	Minimum	Salary	Step	Step	Step	Step	Step	Step	Maximum
	Grade 1b	Grade 1a	1	2	3	4	5	6	7
1	17384	17323	17363	17405	17443	17484	17532	17572	17640
2	17324	17364	17405	17443	17484	17534	17578	17621	17696
3	017360	017401	17443	17484	17535	17581	17625	17672	17750
4	17399	17441	17484	17535	17584	17639	17684	17739	17819
5	17447	17490	17535	17586	17639	17691	17741	17792	17881
6	17495	17540	17586	17640	17693	17751	17806	17864	17959
7	17546	17592	17640	17696	17756	17816	17875	17937	18041
8	17599	17647	17696	17761	17824	17893	17954	18021	18130
9	17660	17710	17761	17827	17890	17966	18040	18110	18230
10	17724	17776	17829	17909	17970	18053	18125	18202	18324
11	17800	17854	17910	17989	18062	18147	18226	18302	18431
12	17885	17942	18000	18085	18163	18253	18335	18424	18559
13	17967	18026	18087	18175	18260	18360	18449	18543	18687
14	18062	18124	18180	18282	18370	18484	18579	18679	18834
15	18153	18210	18285	18391	18495	18603	18703	18804	18971
16	18262	18330	18400	18511	18625	18735	18849	18967	19134
17	18373	18444	18517	18630	18760	18876	18993	19115	19340
18	18501	18576	18653	18783	18912	19044	19169	19295	19491
19	18637	18716	18797	18940	19070	19200	19356	19497	19700
20	18786	18870	18956	19104	19250	19404	19550	19697	19923

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Salary Grade	Minimum		Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Maximum	
	1a	1b	1c	1d	2	3	4	5	6	7	8	9	10	11	12	13
21	27942	37030	37121	37202	37282	37363	37443	37523	37603	37683	37764	37844	37924	38004	47164	47164
22	37110	37203	37299	37391	37471	37551	37631	37711	37791	37871	37951	38031	38111	38191	47164	47164
23	37299	37390	37480	37569	37658	37747	37836	37925	38014	38103	38192	38281	38370	38459	47164	47164

Step-1b-Entry-level-step-for-current-Piscataway

Salary Grade	Minimum		Step 1		Step 2		Step 3		Step 4		Step 5		Step 6		Maximum	
	1c.3	1c.4	1d.1	1d.2	1d.3	1d.4	1d.5	1d.6	1d.7	1d.8	1d.9	1d.10	1d.11	1d.12	1d.13	1d.14
1	1284	1323	1363	1404	1447	1486	1529	1578	1619	1670	1717	1769	1825	1881	1937	1995
2	1324	1364	1405	1447	1486	1529	1581	1628	1674	1722	1771	1821	1871	1921	1971	2021
3	1360	1401	1443	1486	1529	1581	1632	1678	1725	1772	1821	1871	1921	1971	2021	2071
4	1399	1441	1484	1529	1581	1632	1683	1733	1783	1833	1883	1933	1983	2033	2083	2133
5	1447	1490	1535	1581	1634	1689	1744	1804	1860	1920	1981	2041	2101	2161	2221	2281
6	1495	1540	1586	1634	1689	1747	1809	1870	1931	1995	2061	2121	2181	2241	2301	2361
7	1546	1592	1640	1689	1747	1809	1879	1950	2013	2082	2152	2221	2291	2361	2431	2501
8	1599	1647	1696	1747	1814	1879	1950	2013	2082	2152	2221	2291	2361	2431	2501	2571
9	1660	1710	1761	1814	1882	1955	2025	2101	2173	2247	2321	2395	2469	2543	2617	2691
10	1724	1776	1829	1884	1966	2037	2115	2189	2268	2347	2426	2504	2583	2661	2740	2819
11	1800	1854	1910	1967	2049	2124	2211	2293	2371	2454	2536	2619	2701	2783	2865	2947
12	1885	1942	2000	2060	2148	2228	2321	2405	2497	2586	2675	2764	2853	2941	3030	3119
13	1967	2026	2087	2150	2240	2336	2431	2522	2619	2719	2814	2908	3003	3097	3191	3285
14	2062	2124	2188	2254	2350	2449	2559	2656	2759	2864	2964	3064	3164	3264	3364	3464
15	2153	2218	2285	2354	2463	2570	2675	2784	2888	2991	3095	3199	3303	3407	3511	3615
16	2262	2330	2400	2472	2586	2704	2817	2934	3052	3169	3286	3403	3520	3637	3754	3871
17	2373	2444	2517	2593	2717	2843	2962	3083	3203	3323	3443	3563	3683	3803	3923	4043
18	2501	2575	2653	2733	2866	2999	3135	3264	3394	3524	3654	3784	3914	4044	4174	4304
19	2637	2716	2797	2881	3028	3170	3317	3457	3602	3747	3892	4037	4182	4327	4472	4617
20	2786	2870	2956	3045	3197	3348	3506	3657	3808	3959	4110	4261	4412	4563	4714	4865
21	2942	3030	3121	3215	3380	3543	3708	3877	4038	4203	4368	4533	4698	4863	5028	5193
22	3110	3203	3299	3398	3575	3750	3926	4108	4281	4463	4645	4827	5009	5191	5373	5555
23	3299	3398	3500	3605	3796	3990	4179	4372	4562	4753	4944	5135	5326	5517	5708	5899

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 310. APPENDIX G Broad-Band Pay Range Classes Pubite--Service Administrator--Class-Series Salary Schedule

Title	Minimum		Maximum	
	Salary	Range	Salary	Range
Human Resources Representative	1,836	2,112	3,436	4,087
Human Resources Specialist	2,112	2,462	4,087	5,225
Public Service Administrator	2,462	3,392	5,225	7,740
Senior Public Service Administrator, Level I	3,392	4,167	7,740	
Senior Public Service Administrator, Level II	4,167			

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings

2) Code Citation: 89 Ill. Adm. Code 336

3) Section Numbers: Proposed Action:
 336.20 Amend
 336.120 Amend
 336.130 Amend
 336.150 Amend

4) Statutory Authority: 325 ILCS 5/7-16

5) A Complete Description of the Subjects and Issues Involved: These amendments change the standard of evidence to be applied at administrative hearings to support an indicated finding of child abuse or neglect. Administrative law judges will apply a preponderance of the evidence standard as opposed to a credible evidence standard as currently established in Part 336. This change is the result of the Cavaretta vs DCFS Decision (2-95-0462) handed down by the Illinois Appellate Court, Second District.

6) Will these proposed rules replace an emergency rule currently in effect?
 Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed rules contain incorporations by reference? No

9) Are there any proposed amendments to this Part pending? No

10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
 Chief, Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station #22
 Springfield, Illinois 62701-1498
 Telephone: (217) 524-1983

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on the 2 most recent agendas because: The Department did not anticipate this rulemaking at the time of its last regulatory agenda.

The full text of the proposed amendment begins on page **4819**.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3) Section Numbers:
300.30
Amend
- 4) Statutory Authority: 325 ILCS 5/4
- 5) A Complete Description of the Subjects and Issues Involved: The amendments add funeral directors and employees to the list of persons mandated to report child abuse and neglect as required by Public Act 89-363, effective January 1, 1996.
- 6) Will these proposed rules replace an emergency rule currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jacqueline Nottingham
Chief, Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #222
Springfield, IL 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: These rules do not affect small businesses.

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- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The Department did not anticipate this rulemaking at the time of its last regulatory agenda.

The full text of the proposed amendments begin on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section	Purpose
300.10	Definitions
300.20	Reporting Child Abuse or Neglect to the Department
300.30	Content of Child Abuse or Neglect Reports
300.40	Transmittal of Child Abuse or Neglect Reports
300.50	Special Types of Reports (Recodified)
300.60	Referrals to the Local Law Enforcement Agency and State's Attorney
300.70	Delegation of the Investigation
300.80	Time Frames for the Investigation
300.90	Initial Investigation
300.100	The Formal Investigative Process
300.110	Taking Children into Temporary Protective Custody
300.120	Notices Whether Child Abuse or Neglect Occurred
300.130	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.140	Referral for Other Services
300.150	Special Types of Reports
300.160	Acknowledgement of Mandated Reporter Status
APPENDIX A	Child Abuse and Neglect Allegations
APPENDIX B	

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg.

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17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. effective _____.

Section 300.30 Reporting Child Abuse or Neglect to the Department

a) Reports of suspected child abuse or neglect may be immediately made to the State Central Register via its toll-free number (1-800-25A-BUSE) at any time, day or night, or on any day of the week. Reports may also be made to the nearest Department Office. The Department encourages use of the toll-free hotline number.

b) Persons Mandated to Report Child Abuse or Neglect

1) Types of Mandated Reporters

Any of the following individuals who have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected shall immediately report or cause a report to be made to the Department. These mandated reporters include:

- A) physicians, residents, and interns;
- 3) hospitals;
- C) hospital administrators and personnel engaged in the examination, care and treatment of persons;
- D) surgeons;
- E) dentists;
- F) dentist hygienists;
- G) osteopaths;
- H) chiropractors;
- I) podiatrists;
- J) Christian Science practitioners;
- K) coroners;
- L) medical examiners;
- M) emergency medical technicians;
- N) crisis line or hotline personnel;
- O) school personnel;
- P) educational advocate assigned to a child pursuant to the School Code;
- Q) truant officers;
- R) social workers;
- S) social services administrators;
- T) domestic violence program personnel;
- U) registered nurses;
- V) licensed practical nurses;

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- W) directors or staff assistants of nursery schools or child day care centers;
- X) recreational program or facility personnel;
- Y) law enforcement officers;
- Z) registered psychologists;
- AA) assistants working under the direct supervision of a psychologist or psychiatrist;
- BB) field personnel of the Illinois Departments of Public Aid, Public Health, Mental Health and Developmental Disabilities, Corrections, Children and Family Services, Human Rights or Rehabilitation Services;
- CC) probation officers;
- DD) foster parents, homemakers or any other child care worker;
- EE) supervisors and administrators of General Assistance under the Illinois Public Aid Code; or
- FF) substance abuse treatment personnel; or
- GG) funeral home directors or their employees.
- 2) Acknowledgement of Reporting Responsibility
- A) Individuals who became mandated reporters on or after July 1, 1986, by virtue of their employment shall sign statements acknowledging that they are mandated to report suspected child abuse and neglect in accordance with Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4] ~~††††-Rev---Stat---1989--ch--23--par--2054†~~. The statement shall be on a form prescribed by the Department, but provided by the employer. (See Appendix A.) The statement shall be signed before beginning employment and shall be retained by the employer as a permanent part of the personnel record.
- B) The Department shall provide, upon request at a reasonable cost of \$.50 each, copies of the Abused and Neglected Child Reporting Act to all employers employing persons who are mandated to report under this Act.
- 3) Interference with Reporting Prohibited
- A) Mandated reporters who report instances of child abuse or neglect in their capacity as members of the staff of a medical or other public or private institution, school, facility or agency, may also notify the person in charge or designee of such institution, school, facility or agency that a report has been made. However, the person in charge or designee may not exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department. [325 ILCS 5/4] ~~††††-Rev--Stat--1989--ch--23--par--2054†~~
- B) Any person who knowingly and willfully violates any provision of this Section shall be guilty of a Class A misdemeanor. [325 ILCS 5/4] ~~††††-Rev--Stat--1989--ch--23--par--2054†~~

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- C) Employers shall not discriminate in any manner against employees who make good faith reports of suspected child abuse or neglect or who act as witnesses or testify in an investigation or proceeding concerning a report of suspected child abuse or neglect. [325 ILCS 5/9.1] ~~††††-Rev--Stat--1989--ch--23--par--2059;††~~
- 4) Consequences of Failure to Report
- A) The privileged quality of communication between any professional person required to report and patient or client shall not constitute grounds for failure to report suspected child abuse or neglect. Mandated reporters who willfully fail to report suspected child abuse or neglect are subject to license suspension or revocation in accordance with the following statutes:
- i) The Illinois Nursing Act of 1987 [225 ILCS 65] ~~††††-Rev--Stat--1989--ch--117--par--3501-et-seq††~~;
- ii) Medical Practice Act of 1987 [225 ILCS 60] ~~††††-Rev--Stat--1989--ch--117--par--4400-1-et-seq††~~;
- iii) Podiatric Medical Practice Act of 1987 [225 ILCS 100] ~~††††-Rev--Stat--1989--ch--117--par--4001-et-seq††~~;
- iv) Clinical Psychologist Licensing Act [225 ILCS 15] ~~††††-Rev--Stat--1989--ch--117--par--5301-et-seq††~~;
- v) Clinical Social Work and Social Work Practice Act [225 ILCS 20] ~~††††-Workers-Registration-Act-††††-Rev--Stat--1989--ch--117--par--6301-et-seq††~~;
- vi) The School Code [105 ILCS 5] ~~††††-Rev--Stat--1989--ch--122--par--1-1-et-seq††~~; and
- vii) The Illinois Dental Practice Act [225 ILCS 25] ~~††††-Rev--Stat--1989--ch--117--par--2301-et-seq††~~.
- B) Any physician who willfully fails to report child abuse or neglect shall be referred to the Illinois State Medical Disciplinary Board for action. Any other person required to report suspected child abuse or neglect who willfully fails to report such abuse or neglect shall be guilty of a Class A misdemeanor. [325 ILCS 5/4] ~~††††-Rev--Stat--1989--ch--23--par--2054†~~
- 5) Written Confirmation of Reports
- Mandated reporters shall confirm their telephone report in writing on a form prescribed by the Department within 48 hours of the oral report. The Department shall provide forms to mandated reporters--one for the exclusive use of medical professionals and another for use by all other mandated reporters. These confirmation reports shall be admissible as evidence in any administrative or judicial proceeding related to child abuse or neglect. Local investigative staff shall transmit confirmation reports to the State Central Register within 24 hours of receipt. Other Persons May Report
- C) Other persons may report suspected child abuse or neglect if they have

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- reasonable cause to believe a child may be abused or neglected.
- d) Consequences of False Reporting
Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the Criminal Code of 1961 [720 ILCS 5/26-1(a)(7)] ~~§§11-Rev-Stat-1989-ch-38-par-26-17~~. A violation of this subsection is a Class B misdemeanor, punishable by a term of imprisonment for not more than 6 months, or by a fine not to exceed \$500, or both. Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony. [325 ILCS 5/4] The Department shall refer cases of false reporting to the local State's Attorney when the reporter is known. ~~§§11-Rev-Stat-1989-ch-23-par-2854~~
- e) Cooperation in Court or Administrative Hearings
Any person who makes a report or who investigates a report may be ordered by the Court to testify fully in any judicial proceeding resulting from the report about any evidence of the abuse or neglect or the cause of the abuse or neglect. Any mandated reporter listed in subsection (b)(1) who makes a report of suspected child abuse or neglect shall testify fully in any administrative hearing resulting from such report, as to any evidence of abuse or neglect or the cause thereof. No evidence shall be excluded because of any common law or statutory privilege regarding communications between the alleged perpetrator or the child subject and the person making or investigating the report.
- f) Referrals to Public Health
All mandated reporters listed in subsection (b)(1) may refer to the Department of Public Health any pregnant person in Illinois who is addicted as defined in the ~~§§11-Rev-Stat-1989-ch-11-173~~ and Dependency Act [20 ILCS 301] ~~§§11-Rev-Stat-1989-ch-11-173-par-635i-37~~.
- g) Depending upon Spiritual Means Through Prayer Alone for the Treatment or Cure of Disease or Remedial Care-
A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian, or custodian accepts and practices such beliefs. [325 ILCS 5/4] ~~§§11-Rev-Stat-1989-ch-23-par-2854~~ Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and medical care necessary to treat or prevent that harm or risk of harm is not being provided because a parent or other person responsible for the child's welfare depends upon such spiritual means, the child shall be subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his health needs.

(Source: Amended at 20 Ill. Reg. _____, effective

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action
1400.60 Amendment
- 4) Statutory Authority: Implementing Section 11 of the Clinical Psychologist Licensing Act [225 ILCS 15/11].
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 89-0387, effective August 18, 1995, provides for the licensure of senior psychologists -- persons who have been licensed to practice psychology in one or more other states or Canada for at least 20 years. This rulemaking sets forth application procedures.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 217-785-0800 Fax#: 217/782-7645

All written comments received within 45 days of this issue of the Illinois Register will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of a clinical psychologist.

B) Reporting, bookkeeping or other procedures required for compliance: Applicants will be required to submit proof of active and lawful

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licensed practice in clinical psychology in another state or Canada for at least 20 consecutive years and that such license(s) has never been disciplined by another state or Canada.

- C) Types of professional skills necessary for compliance: At least 20 years of licensed practice in psychology.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400

CLINICAL PSYCHOLOGIST LICENSING ACT

Section	
1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application For Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 151] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1991; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Section 1400.20(b)(10) and (c)(2)(H) and Section 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 989, effective June 30, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 1400.60 Endorsement

- a) Any person who is currently licensed in another state or territory of the United States or a foreign country desiring to obtain a license as a licensed clinical psychologist pursuant to Section 11 of the Act shall file an application with the Department, on forms provided by the Department, which shall include:
- 1) A certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating:

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- A) The date of issuance of the applicant's license;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any; and
 - C) Whether the records of the licensing authority contain any record of any disciplinary action taken or pending;
- 2) A complete work history since completion of a baccalaureate degree program;
 - 3) Certification of graduation from a psychology program as defined in Section 1400.20 of this Part; and official transcripts from the applicant's doctoral program. Submission of official transcripts shall be for the purpose of verifying participation in the educational program;
 - 4) A copy of the Act and rules from the state of original licensure that ~~which~~ were in effect at the time of licensure;
 - 5) Professional experience reference forms verifying the length, exact time, number of hours per week and description of functions of the applicant's employment and that the experience was obtained pursuant to Section 1400.30 of this Part. All experience information shall be submitted at the time of application. References shall be completed by the person who supervised the applicant pursuant to Section 1400.30 of this Part; and
 - 6) The required fee specified in Section 24(3) of the Act.
- b) Any person currently licensed in the United States or Canada desiring to obtain a license as a licensed clinical psychologist under the provisions for senior psychologists who have been licensed for at least 20 years pursuant to Section 11 of the Act shall file an application with the Department that shall include:
- 1) A certification from the jurisdiction of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, stating:
 - A) The date of issuance of the applicant's license and the level of licensure;
 - B) The basis of licensure and a description of the examination by which the applicant was licensed, if any;
 - C) If multiple levels of practice are licensed, that the license is at the highest level of practice in that jurisdiction; and
 - D) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;
 - 2) Proof of active and lawful licensed practice in clinical psychology in another jurisdiction for at least 20 consecutive years;
 - 3) Verification of a doctoral degree granted from a psychology program that was regionally accredited at the time the degree was granted and an official transcript;
 - 4) A complete work history since licensure as a psychologist;
 - 5) The required fee specified in Section 24(3) of the Act; and

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5) Proof that the applicant has been actively and lawfully licensed to practice clinical psychology in another state or Canada for at least 20 consecutive years and that such license(s) had never been disciplined by another state or Canada. An applicant whose license has been disciplined by another jurisdiction shall not be eligible nor shall the applicant be issued a license pursuant to subsection (b) of this Section; however, such applicant's credentials may be reviewed pursuant to subsection (a) or by examination.

6) Each application shall be reviewed on an individual basis by the Committee in accordance with this Section.

7) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Committee, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an oral interview(s) before the Committee.

8) Upon recommendation of the Committee and approval by the Department, the applicant shall be notified of eligibility to sit for the examination, issued a license by endorsement or notified of the reasons for denial of the application.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Developmental Disabilities Service
- 2) Code Citation: 89 Ill. Adm. Code 144
- 3) Section Number: Proposed Action:
144.25 New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to Section 144.25 describe ICF/MR service criteria. The amendments, which describe the need for ICF/MR services, are related to changes being proposed to Section 140.642 regarding universal preadmission screening. Universal screening is required by Public Act 89-21 and will apply to all nursing facility admissions, effective July 1, 1996. Since all of the changes being proposed to Section 140.642 pertain to nursing facility services, current language in this Section concerning ICF/MR eligibility criteria is being moved to 89 Ill. Adm. Code 144, Developmental Disabilities Service.

These proposed amendments will not result in any budgetary changes for the Department, or for the Department of Mental Health and Developmental Disabilities which is responsible for the ICF/MR program.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
144.275	Amendment	December 22, 1995 (19 Ill. Reg. 16765)
144.300	Amendment	March 8, 1996 (20 Ill. Reg. 4035)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Medicaid funded long term care facilities for persons with developmental disabilities (ICF/MR and ICF/MR(SNF/PED license))

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 144

DEVELOPMENTAL DISABILITIES SERVICES

Section

- 144.1 Incorporation By Reference
144.5 Determination of Program (Active Treatment) Costs
144.25 ICF/MR Service Criteria ~~Active--Treatment--Service--Requirements--in Residential--Facilities--for--individuals--with--Developmental Disabilities--Repeated~~
144.50 Inspection of Care (IOC) Review Criteria for the Evaluation of Active Treatment Services in Residential Facilities for Individuals with Developmental Disabilities (Repealed)
144.75 Comprehensive Functional Assessments and Reassessments (Repealed)
144.100 Interdisciplinary Team (IDT) (Repealed)
144.105 Individual Program Plan (IPP) (Repealed)
144.125 Specialized Care - Behavior Development Programs
144.150 Specialized Care - Health and Sensory Disabilities
144.175 Functional Needs
144.200 Service Needs - Medical Care (Repealed)
144.205 Service Needs - Medical and Therapy Services (Repealed)
144.225 Individual Rights (Repealed)
144.230 Reconciliation of Resident Funds
144.250 Discharge Planning/Maximum Growth Potential Plan (Repealed)
144.275 Reimbursement for Program (Active Treatment) Costs in Residential Facilities for Clients with Developmental Disabilities
144.300 Reimbursement for Program (Active Treatment) Costs in Small Scale Residential Facilities
144.325 Capital Rate Calculation
TABLE A Overview of Staff Intensity Scale of Maladaptive Behaviors
TABLE B Staff Intensity Scale
TABLE C IPP Outcomes (Repealed)
TABLE D Guidelines for Determining Levels of Functioning
TABLE E Standardized Adaptive Functional Assessment

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles II, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 14 Ill. Reg. 4166, effective March 9, 1990; Section 144.275 recodified from 89 Ill. Adm. Code 146.225 at 14 Ill. Reg. 7651; amended at 14 Ill. Reg. 17988, effective October 29, 1990; amended at 15 Ill. Reg. 14084, effective September 24, 1991; emergency amendment at 15 Ill. Reg. 16148, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg.

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3497, effective February 28, 1992; amended at 16 Ill. Reg. 5898, effective March 20, 1992; amended at 17 Ill. Reg. 8478, effective June 1, 1993; amended at 17 Ill. Reg. 11480, effective July 16, 1993; emergency amendment at 17 Ill. Reg. 15126, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; emergency amendment repealed at 17 Ill. Reg. 22582, effective December 20, 1993; emergency amendment at 18 Ill. Reg. 11314, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16619, effective October 27, 1994; amended at 19 Ill. Reg. 2890, effective February 22, 1995; amended at 19 Ill. Reg. 7906, effective June 5, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 144.25 ICF/MR Service Criteria Active-Treatment-Service-Requirements
~~in-Residential-Facilities--for--Individuals--with--Developmental--Disabilities~~
~~(Repealed)~~

a) Need for ICF/MR Services

1) The need for ICF/MR services shall be established through a comprehensive assessment, the Level II assessment, that demonstrates that the individual needs active treatment and has either:

A) mental retardation; or
 B) a related condition that meets all of the following conditions:

i) It is attributed to cerebral palsy, epilepsy, autism, or any other condition, other than mental illness or infirmities of aging, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.

ii) It is manifested before the person reaches age 22.

iii) It is likely to continue indefinitely.

iv) It results in substantial functional limitations in three or more of the following areas of major life activity: self care, understanding and use of language, learning, mobility, self direction, capacity for independent living.

2) Active treatment is defined by federal regulations at 42 CFR 483.440(a) as a program of specialized and generic training, treatment, health services and related services, that is directed toward the acquisition of the behaviors necessary for the client to function with as much self determination and independence as possible and the prevention or deceleration of regression or loss of current optimal functional status. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

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3) No applicant for ICF/MR services meeting the above criteria shall be found to be inappropriate for such services due to a need for the treatment of a severe or profound sensory handicap, motor deficit, or mental retardation; nor shall such an applicant be denied ICF/MR services due to age, medical needs, or maladaptive behavior, except as otherwise described in this Section.

b) Need for ICF/MR (SNF/PED License) Services

1) ICF/MR (SNF/PED license) services will only be approved for individuals who are under the age of 21 at the time of admission to the facility.

2) The need for such services shall be established through a comprehensive assessment, the Level II assessment, that demonstrates that the individual has a medical (physical) condition requiring skilled level nursing care; or has mental retardation or a related condition and/or a severe medical or physical disability or a combination of severe disabilities.

(Source: Section repealed at 18 Ill. Reg. 16619, effective October 27, 1994; new Section adopted at 20 Ill. Reg. _____, effective _____.)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
- 140.642 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments describe universal screening for nursing facility services, as required by Public Act 89-21. Effective July 1, 1996, universal screening will be required for all persons seeking admission to a nursing facility to determine if there is a reasonable basis for suspecting that he or she has a developmental disability or severe mental illness, regardless of income, assets or payment source. The Department will also screen nursing facility residents who apply for Medicaid funding. Coverage under Medicaid will not be provided for any person when a determination is made that nursing facility services are not medically necessary.

Since all of the changes being proposed to Section 140.642 pertain to nursing facility services, current language in this Section concerning ICF/MR eligibility criteria is being proposed in related amendments to 89 Ill. Adm. Code 144, Developmental Disabilities Services.

It is anticipated that these proposed amendments will result in a withdrawal of Medicaid payment for individuals who are found to be inappropriate for nursing home care. The fiscal year 1997 savings are expected to be approximately \$1.5 million.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.7	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.9	Amendment	August 25, 1995 (19 Ill. Reg. 12210)
140.24	Amendment	February 9, 1996 (20 Ill. Reg. 2346)
140.55	New Section	January 26, 1996 (20 Ill. Reg. 1466)
140.400	Amendment	February 9, 1996 (20 Ill. Reg. 2346)

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- 140.435 Amendment February 9, 1996 (20 Ill. Reg. 2346)
- 140.490 Amendment December 8, 1995 (19 Ill. Reg. 16134)
- 140.491 Amendment December 8, 1995 (19 Ill. Reg. 16134)
- 140.492 Amendment December 8, 1995 (19 Ill. Reg. 16134)
- 140.493 New Section December 8, 1995 (19 Ill. Reg. 16134)
- 140.523 Amendment January 19, 1996 (20 Ill. Reg. 1146)
- 140.570 Amendment December 22, 1995 (19 Ill. Reg. 16778)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, Illinois 62762
(Phone: (217) 524-0081)

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Nursing facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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13) Regulatory agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under the Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify as Mandatory Categorically Needy and Disabled Persons Under Age 21 Who May Qualify for Medicaid and In-Home Care (Model Waiver)
140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under GA
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

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140.22 Magnetic Tape Billings
 140.23 Payment of Claims
 140.24 Payment Procedures
 140.25 Overpayment or Underpayment of Claims
 140.26 Payment to Factors Prohibited
 140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.29 Audits
 140.30 Emergency Services Audits
 140.31 Prohibition on Participation, and Special Permission for
 140.32 Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be
 Obtained
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 Voucher Advance Payment and Expedited Payments
 140.72 Drug Manual (Recodified)
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust
 Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)

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140.300 Payment for Pre-operative Days and Services Which Can Be Performed in
 an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)
 140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services
 (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services
 (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services
 (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy
 Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy
 Items - Dentists
 140.425 Podiatry Services

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140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
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140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichex Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

SUBPART E: GROUP CARE

Section	Long Term Care Services
140.500	Cessation of Payment at Federal Direction
140.502	Cessation of Payment for Improper Level of Care
140.503	Cessation of Payment Because of Termination of Facility
140.504	Continuation of Payment Because of Threat To Life (Repealed)
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)

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140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training and Testing
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
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140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments

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140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility Long-Term-Care and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.870	Sponsor Responsibilities (Repealed)
140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)

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- 140.903 Definitions (Recodified)
 140.904 Times and Staff Levels (Repealed)
 140.905 Statewide Rates (Repealed)
 140.906 Reconsiderations (Recodified)
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)
 140.920 General Description
 140.921 Covered Services
 140.924 Maternal and Child Health Provider Participation Requirements
 140.926 Client Eligibility (Repealed)
 140.928 Client Enrollment and Program Components (Repealed)
 140.930 Reimbursement
 140.932 Payment Authorization for Referrals (Repealed)
- SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
 EQUITY (ICARE) PROGRAM
- Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 Definition of Terms (Recodified)
 Notification of Negotiations (Recodified)
 Hospital Participation in ICARE Program Negotiations (Recodified)
 Negotiation Procedures (Recodified)
 Factors Considered in Awarding ICARE Contracts (Recodified)
 Closing an ICARE Area (Recodified)
 Administrative Review (Recodified)
 Payments to Contracting Hospitals (Recodified)
 Admitting and Clinical Privileges (Recodified)
 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 Contract Monitoring (Recodified)
 Transfer of Recipients (Recodified)
 Validity of Contracts (Recodified)
 Termination of ICARE Contracts (Recodified)
 Hospital Services Procurement Advisory Board (Recodified)
- 140.980 Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)

- 140.980 Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married and Living With Spouse, Regardless Of Age

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- (Emergency Expired)
- TABLE A Medichex Recommended Screening Procedures (Repealed)
 TABLE B Health Service Areas
 TABLE C Capital Cost Areas
 TABLE D Schedule of Dental Procedures
 TABLE E Time Limits for Processing of Prior Approval Requests
 TABLE F Podiatry Service Schedule
 TABLE G Travel Distance Standards
 TABLE H Areas of Major Life Activity
 TABLE I Staff Time and Allocation for Training Programs (Recodified)
 TABLE J HSA Grouping (Repealed)
 TABLE K Services Qualifying for 10% Add-On (Repealed)
 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629,

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effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill.

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Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16321, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a

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maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17779, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17

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Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART E: GROUP CARE

Section 140.642 Screening Assessment for Nursing Facility Long-Term-Care and Alternative Residential Settings and Services

a) Beginning July 1, 1996, prior to the provision of nursing services whether facility or community-based, and without regard to payment source, and prior to the authorization of payment by the Illinois Department of Public Aid (DPA), the individual's need for such services must be assessed.

b) Screening Assessment

1) The Level I ID Screen is the first phase of the preadmission screening process. The Level I ID Screen is conducted to determine if there is a reasonable basis for suspecting that an

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individual has developmental disabilities (DD), as defined below, or severe mental illness (MI), as defined below. This determination is required to assure that individuals with DD or severe MI are placed into settings which provide the services they require. Entities authorized to complete the Level I ID Screen are agents of DPA, Department of Mental Health and Developmental Disabilities (DMHDD), Department on Aging (DoA), Department of Rehabilitation Services (DORS), Department of Public Health (DPH), hospitals or nursing facilities.

A) A developmental disability is a disability that is attributable to a diagnosis of mental retardation (mild, moderate, severe, profound, unspecified), or a related condition. A related condition means the individual has been diagnosed as having infantile autism, infantile cerebral palsy or epilepsy, and this condition is manifested before the age of 22; is likely to continue indefinitely; and results in substantial functional limitations in three or more of the following areas of major life activity:

- i) self-care;
- ii) understanding and use of language;
- iii) learning;
- iv) mobility;
- v) self-direction;
- vi) capacity for independent living.

B) An individual is considered to have a severe mental illness if he or she has one of the following diagnoses: schizophrenia; delusional disorder; schizoaffective disorder; psychotic disorder not otherwise specified; bipolar disorder I - mixed, manic, and depressed; bipolar disorder II; cyclothymic disorder; bipolar disorder not otherwise specified; major depression, recurrent; and due to their mental illness exhibits resulting substantial functional limitations in at least two of the following areas: self-maintenance; social functioning; community living activities; work related skills.

2) If the Level I ID Screen indicates that an individual may have DD or severe MI, a comprehensive assessment, the Level II assessment, except as defined in subsection (b)(7), is conducted by DMHDD designated preadmission screening (PAS) agents concerning the need for nursing facility services and the need for specialized services.

3) If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the individual is referred to DOA (individuals 60 years of age or older) or DORS (individuals 18 through 59 years of age) for a determination of need to assess the need for nursing facility services.

4) For those individuals already residing in the facility who are applicants for Medicaid services, a Level I ID Screen must be

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done. If the Level I ID Screen does not identify a reasonable basis for suspecting DD or severe MI, the applicant is referred to DPA or its agents for a screening assessment before authorization to pay for placement in the facility. If the Level I ID Screen does identify a reasonable basis for suspecting DD or severe MI, the applicant must be referred to a DMHDD PAS agent for a Level II assessment.

5) A screening assessment is valid for 90 calendar days from the date of the assessment. For individuals with DD or severe MI, an existing Level II assessment may remain valid after 90 calendar days when the designated DMHDD PAS agent updates any component of the assessment which is not current, and confirms the validity of the assessment as reliably reflecting the status of the individual.

6) Due to exceptional circumstances, an individual identified as having DD or MI, following a Level I ID Screen, may be determined to need nursing facility services. The individual with exceptional circumstances must then receive a Level II assessment to determine the individual's need for specialized services related to placement in a nursing facility, except in the specific circumstances noted in subsection (b)(7). Individuals with exceptional circumstances are subject to utilization review as described in subsection (f). Exceptional circumstances include, but are not limited to:

- A) terminal illness with a life expectancy of six months or less; and
 - B) convalescent care (a medically prescribed period of recovery, following acute care, not to exceed 120 calendar days); and
 - C) severe physical illnesses, such as coma, ventilator dependence, functioning at brain stem level or diagnoses such as chronic obstructive pulmonary disease, Parkinson's disease, Huntington's disease, amyotrophic lateral sclerosis, and congestive heart failure; and
 - D) a diagnosis of dementia, including Alzheimer's disease or a related disorder, in the case of the individual with DD.
- 7) Level II assessment exemption. Some individuals with DD or severe MI may be admitted to a nursing facility without receiving a Level II assessment to determine the need for specialized services by a DMHDD PAS agent. Individuals exempt from a Level II assessment for specialized services are provisional admissions pending further assessment in cases of delirium where an accurate diagnosis cannot be made until the delirium clears. In all other cases, a determination that specialized services are not needed must be based on a Level II assessment.

8) Screening agents shall present alternatives to institutional placement, and inform individuals of alternative settings before placement into a nursing facility or authorizing to pay for

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Placement in the facility.

- 9) Non-Medicaid supported individuals who choose to be admitted into a nursing facility when the screening assessment does not justify nursing facility placement will not be denied access to the facility. However, screening agents shall inform each non-Medicaid individual seeking admission to a nursing facility that Medicaid payment for nursing facility services shall be denied if the screening done at the time of application for Medicaid does not support the need for nursing facility services.

- c) A screening assessment or utilization review, as defined in subsection (f), is not required for an individual who:

- 1) is receiving or will be receiving sheltered care services; or
- 2) transfers from one facility to another, with or without an intervening hospital stay. It is the transferring facility's responsibility to ensure that copies of the resident's most recent screening assessment accompany the transferring resident; or
- 3) is readmitted to a facility from a hospital to which he or she was transferred for the purpose of receiving care; or
- 4) resided in the facility on June 30, 1996.

- d) Nursing Facility Services

In Illinois, nursing facilities are licensed for intermediate level nursing care and skilled level nursing care. For guidelines to the type of services provided by nursing facilities refer to 77 Ill. Adm. Code 300.Appendix A.

- e) Date of Payment

- 1) No payment for nursing facility services may be made unless both the screening assessment and a physician's certification, as described in Section 140.514, document a need for such care. Where the assessment and the certification do not establish this need, the individual may request that a licensed physician designated by DPA review the medical reports and any other evidence the individual wishes to submit, and certify whether there is a need for nursing facility services in their case. The individual will be notified of the right to this review.

- 2) For an individual whose preadmission screening assessment and physician's certification have been completed prior to admission and document the individual's need for such services, DPA will begin payment:

- A) on the date of admission if Medicaid eligibility has been established, or
- B) on the beginning date of Medicaid eligibility if eligibility starts after the date of admission.

- 3) For an individual whose preadmission screening assessment and physician's certification have not been completed prior to admission, DPA will begin payment on the later of:

- A) the date that the screening assessment requirement is met, or

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- B) the date that the physician certification requirement is met, or
- C) the effective date of Medicaid eligibility.

- 4) For an individual who applies for Medicaid after admission to a facility and the screening assessment documents a need for nursing facility care, DPA will begin payment on the later of:

- A) the date that the physician certification requirement is met, or
- B) the effective date of Medicaid eligibility.

- f) Utilization Review

- 1) DPA or its agents will conduct periodic electronic reviews of continued need for nursing home services. The review may be an off-site process based on information which is electronically collected from federally mandated resident assessment data.

- 2) If the review indicates that an individual may no longer need nursing facility services, DPA or its agents shall visit the resident in the nursing facility for the purpose of conducting an assessment to determine the resident's potential for returning to the community. The assessment will consider the following criteria:

- A) appropriateness of the resident to return to the community, and
- B) availability of community support services which are acceptable to the resident, and
- C) cost effectiveness to the State of community placement versus nursing facility placement.

- 3) If the completed assessment indicates that community placement is appropriate, DPA or its agents will notify the nursing facility in writing so that discharge planning can begin.

- A) DPA or its agents shall work with the facility to develop and implement a discharge plan.

- B) The facility's Medicaid per diem will be terminated 30 calendar days from the date of the notice referred to in subsection (f)(3).

- C) The facility will be allowed up to an additional 60 calendar days of reduced per diem at a rate commensurate with the level of care needed to allow for an orderly and safe transfer of the resident to an alternative setting.

- 4) If the completed assessment indicates that community placement is inappropriate at this time, the facility will be paid at a rate commensurate with the level of care needed.

- 5) Pursuant to 89 Ill. Adm. Code 104, the client has the right to appeal utilization review findings.

- g) Annual Resident Review

All Medicaid eligible residents found to be MI or DD shall be reviewed by DPA or its agents annually. Annual resident reviews are required by federal regulations found under 42 CFR 483.114. The federally required annual resident review validates the presence of MI or DD and

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determines whether the individual requires the level of services provided by a nursing facility and whether the individual requires specialized services.

a) Prior to the authorization of payment by the Department of Public Aid for the care of an individual who is already residing in a facility and is newly approved for Medicaid benefits or is an applicant for the extent of Medicaid services when admitted into a facility (SNP, IEP or IEP/MR) which provides long-term care services, the individuals need for such services must be:

- 1) assessed through either the Department of Aging (BOA) residents age 60 or over or the Department of Rehabilitation Services (BORS) individuals between the ages of 18 and 59; and
- 2) certified by a licensed physician Section 140.514; individuals who need nursing facility care and do not appear to have developmental disabilities (BB) or mental illness (MIL) as determined by a Level I Identification (IB) Screen and a subsection of this section are assessed through BOA and BORS as:

- 2) assessed through the Department of Mental Health and Rehabilitation (BMHBB) and certified by a licensed physician Section 140.514; individuals who appear to have BB or MIL as identified by a Level IIB Screen are assessed through BMHBB designated practitioners screening (PAS) agents according to a comprehensive assessment; the Level II assessment uses subsection 140.514 of this Section in the case of an individual with BB who is deemed eligible for IEP/MR services; the physician certification must be in accordance with Medicaid standards when identity assessment is used to establish the need for services in a facility for persons with BB (4-GR 140.514).

Agency Notes: The acronym IEP/MR which is used in this Section refers to the term that is IEP/MR with a SNP/BBS transfer specified in the PAS and BMHBB Section overpayment control.

a) Section 140.514 of this Section is amended to read as follows: "The assessment of the individual's need for services is conducted by a BMHBB-PAS agent or a BORS agent (40.514) of the Section who receives the individual's information and the individual's information is used to determine the need for services in a facility for persons with BB (4-GR 140.514).

Section 140.514 of this Section is amended to read as follows: "The assessment of the individual's need for services is conducted by a BMHBB-PAS agent or a BORS agent (40.514) of the Section who receives the individual's information and the individual's information is used to determine the need for services in a facility for persons with BB (4-GR 140.514).

2) Section 140.514 of this Section is amended to read as follows: "The assessment of the individual's need for services is conducted by a BMHBB-PAS agent or a BORS agent (40.514) of the Section who receives the individual's information and the individual's information is used to determine the need for services in a facility for persons with BB (4-GR 140.514).

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3) is absent from a SNP, IEP or IEP/MR for a period of 30 days or more and the reason for the absence was not to receive medical services;

4) has a developmental disability and transfers between facilities at the same or different level of care or

5) is currently residing in Illinois and is approved by the Department for placement in an out-of-state facility.

a) Screening assessment is not required for an individual who:

- 1) will be receiving sheltered care services or
- 2) is an Illinois resident and is approved for placement by the Department in an out-of-state facility when already residing or placed there; a nonprofit institution;

d) A new screening assessment is not required for an individual who is currently eligible for IEP, SNP or IEP/MR services and who:

- 1) is assessed from the facility for less than 30 days and returns to the same level of care at the same facility;

2) is absent from the facility for 30 days or more consecutive days; not at services and returns to the same level of care at the same facility;

3) is absent from the facility for 30 days or more consecutive days; not at services and returns to the same level of care at the same facility.

e) Screening Assessment

1) The Level IIB Screen is the first phase of the assessment process. It is a screening process that is completed by the BMHBB designated practitioners screening (PAS) agents according to a comprehensive assessment; the Level II assessment uses subsection 140.514 of this Section in the case of an individual with BB who is deemed eligible for IEP/MR services; the physician certification must be in accordance with Medicaid standards when identity assessment is used to establish the need for services in a facility for persons with BB (4-GR 140.514).

2) Section 140.514 of this Section is amended to read as follows: "The assessment of the individual's need for services is conducted by a BMHBB-PAS agent or a BORS agent (40.514) of the Section who receives the individual's information and the individual's information is used to determine the need for services in a facility for persons with BB (4-GR 140.514).

3) Section 140.514 of this Section is amended to read as follows: "The assessment of the individual's need for services is conducted by a BMHBB-PAS agent or a BORS agent (40.514) of the Section who receives the individual's information and the individual's information is used to determine the need for services in a facility for persons with BB (4-GR 140.514).

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the screening assessment and a physician's certification as described in Section 14-5.47 document a need for such care. Where the assessment and the certification do not establish this need, the individual may request a licensed physician designated by the Department to review the medical records and any other evidence the individual wishes to submit and certify that there is a need for long-term care in the individual's case. The individual will be notified of this right to this review.

At Parson's approval for long-term care services, whose placement is being assessed, and physicians and certification have been completed prior to admission and document the individual's need for such services, one document will be submitted.

On the date of admission if Medicaid eligibility has been established, the individual's eligibility for such services will be determined.

Eligibility for services will be determined prior to admission.

Eligibility for services will be determined prior to admission.

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calendar days after admission payment will be made if upon the date that the screening assessment requirement is met or if upon the date that the physician certification requirement is met or if upon the effective date of Medicaid eligibility whichever is later.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Centers for Independent Living

- 2) Code Citation: 89 Ill. Adm. Code 886

- 3) Section Numbers: Proposed Action:

886.10	New
886.20	New
886.30	New
886.40	New
886.50	New
886.60	New
886.70	New
886.80	New
886.90	New
886.100	New
886.110	New

- 4) Statutory Authority: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 3443/12a], and 29 U.S.C. 711 and 796.

- 5) A Complete Description of the Subjects and Issues Involved: This new Part is being promulgated to present DORS' funding, review, and interaction with Centers for Independent Living.

This new Part replaces 89 Ill. Adm. Code 885. Because of the extensive changes to the rules, repeal of Part 885 and promulgation of this new Part was necessary. These changes in the provisions governing CILs are a result of extensive changes made in the 1992 Amendments to the Rehabilitation Act of 1973 (29 U.S.C. 701-7961).

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED RULE

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER h: MISCELLANEOUS PROGRAMS

PART 886

CENTERS FOR INDEPENDENT LIVING

Section	
886.10	General Provisions
886.20	Definitions
886.30	Purpose
886.40	Funding from DORS for Independent Living Services
886.50	Applications for First-time Funding from DORS for Centers for Independent Living
886.60	Review and Approval of Initial Applications for Funding from DORS
886.70	Compliance Reviews and Recertification for CILs for Continued Funding
886.80	Scoring of the Compliance Review
886.90	Reporting the Outcome of a Compliance Review
886.100	Funding Based on Compliance Review Outcomes
886.110	Grievance of Compliance Review Ratings

AUTHORITY: Implementing and authorized by Section 12a of the Disabled Persons Rehabilitation Act [20 ILCS 3443/12a], and 29 U.S.C. 711 and 796.

SOURCE: Adopted at 20 Ill. Reg. _____, effective _____.

Section 886.10 General Provisions

The provisions of this Part apply to DORS' application, evaluation, and funding processes for Centers for Independent Living under Title VII, Part B of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i).

Section 886.20 Definitions

For the purposes of this Part, the following terms shall have the following meanings:

- a) Advocacy - pleading an individual's cause or speaking or writing in support of an individual which may include representation before public and/or private entities on the behalf of one's self, another individual, or a group of individuals.
- b) Center for Independent Living (CIL) - a consumer-controlled, community based, cross-disability, nonresidential, private not-for-profit agency that:
 - 1) is designed and operated within a local community by individuals with disabilities; and
 - 2) provides an array of independent living services.
- c) Consumer Control - pursuant to the Rehabilitation Act of 1973, as

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amended (20 U.S.C. 701-796i) and the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a], the CIL must be governed by a board of directors that is composed of a majority of individuals who are individuals with disabilities and employ, in management and decision making positions, a majority of individuals who are individuals with disabilities.

Pursuant to 34 CFR 364.4, this means the CIL vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services.

- d) Cross-disability - with respect to CILs and independent living services, that services are available to a range of individuals with significant disabilities and their eligibility for such services does not require a specific disability in order to access independent living services.

- e) Independent Living Core Services - the minimum services an organization must provide to be considered a CIL. These services are:

- 1) information and referral services;
- 2) independent living skills training;
- 3) peer counseling, including cross-disability peer counseling; and
- 4) individual and system advocacy.

- f) Independent Living Plan (ILP) - a written plan which outlines the Independent Living Services which are to be provided to an individual determined eligible to receive Independent Living Services. The ILP must be jointly developed by the individual who will receive Independent Living Services and the CIL. An ILP must be developed for each individual who shall receive Independent Living Services unless the individual specifically signs a statement waiving his/her rights to have an ILP.

- g) Independent Living Services - services in addition to the Independent Living Core Services provided by a CIL which DORS will take into consideration when approving funding or continued funding for a CIL. These services are:

- 1) counseling services, including psychological, psychotherapeutic, and related services;
- 2) services relating to the securing of housing or shelter including accommodations and modifications to any space used to serve or which is to be occupied by individuals with disabilities;
- 3) rehabilitation technology services;
- 4) mobility training;
- 5) services and training for individuals with cognitive and sensory disabilities, including life skills training and reader and interpreter services;
- 6) personal assistance (PA) services including attendant care and training from those individuals who will be providing PA services;
- 7) surveys, directories, and other activities to identify appropriate housing, recreation opportunities, accessible

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- transportation, and other support services;
- 8) consumer information programs on rehabilitation and independent living services available, especially to minorities and other individuals with significant disabilities who have been traditionally unserved or underserved;
- 9) education and training necessary for living and participating in a community;
- 10) supported living;
- 11) transportation, including referral and assistance for transportation;
- 12) physical rehabilitation;
- 13) therapeutic treatment;
- 14) provision of needed prostheses and other appliances and devices;
- 15) individual and group social and recreational services;
- 16) training to develop skills specifically designed for youths with significant disabilities to promote self-awareness and esteem, develop advocacy and self-empowerment skills, and explore career opportunities;
- 17) services for children;
- 18) services under other federal, State, and local programs designed to provide resources, training, counseling, or other assistance of substantial benefit in enhancing the independence, productivity, and quality of life of individuals with significant disabilities;
- 19) appropriate preventive services to decrease the need of individuals with significant disabilities for similar services in the future;
- 20) community awareness programs to enhance the understanding and integration into society of individuals with significant disabilities; and
- 21) any other services that may be necessary to improve the ability of an individual with a significant disability to function, continue to function, or move toward functioning independently in the family or community or to continue employment and that are not inconsistent with this Part and the provisions of Title VII, Part B of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i).
- h) Individual with a disability - an individual who:
- 1) has a physical, mental, cognitive, or sensory impairment that substantially limits one or more of the individual's major life activities;
 - 2) has a record of having such an impairment; or
 - 3) is regarded as having such an impairment.
- i) Individual with a significant disability - an individual with a severe physical, mental, cognitive, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of independent living services will improve

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- the ability to function, continue to function, or move toward functioning independently in the family or community or to continue employment.
- j) Part B Funding - funding provided to states through the United States Department of Education - Rehabilitation Services Administration (RSA), under the provisions of Title VII - Part B of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i) to support and enhance independent living services within a state.
- k) Part C Funding - funding provided directly to qualifying CILs through the United States Department of Education - Rehabilitation Services Administration (RSA), under the provisions of Title VII - Part C of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i) to establish new CILs and to support and enhance independent living services within a state.
- l) State Appropriated Funds - those funds appropriated by the Illinois General Assembly for DORS to support and enhance Independent Living Services in the State.
- m) State Plan for Independent Living (State Plan) - the plan jointly developed by DORS and the Statewide Independent Living Council (SILC) (89 Ill. Adm. Code 515), and approved by DORS' Director and the Chairperson of SILC, which is submitted for review and approval by RSA. The State Plan outlines the services, goals, and objectives of DORS' Independent Living Program, as well as the plan for Independent Living Services throughout the State, and is the basis for Part B Funds received from RSA.
- n) Statewide Independent Living Council (SILC) - the mandated council established pursuant to the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i) and the Disabled Persons Rehabilitation Act [20 ILCS 2405/12a] and governed by DORS Administrative Rules at 89 Ill. Adm. Code 515.
- o) Unserved or Underserved - groups or populations of individuals with severe disabilities in the State, including but not limited to those groups which:
- 1) have cognitive or sensory impairments;
 - 2) are members of racial or ethnic minority groups;
 - 3) live in rural areas; or
 - 4) are identified by DORS or a local CIL as being unserved or underserved.

Section 886.30 Purpose

In order to further promote independence and full community participation of individuals with disabilities and significant disabilities in Illinois, DORS shall distribute State Appropriated Funds and Part B Funds received to eligible CILs in accordance with the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i) and federal regulations at 35 CFR 364. Further, State Appropriated Funds may be used in addition to Part C Funds, which are not under DORS' control, to establish new CILs.

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Section 886.40 Funding from DORS for Independent Living Services

- a) Funding from DORS, through available Part B Funds and State Appropriated Funds, shall be provided to CILs, in accordance with Title VII - Part B of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-796i), federal regulations at 35 CFR 364, and the provisions of this Part, which apply for, and are determined eligible to receive or continue to receive, funding pursuant to Sections 886.50, 886.60, and 886.70 of this Part.
- b) Such funding shall be provided to eligible CILs for the purposes of:
- 1) activities described in the State Plan;
 - 2) provision of Independent Living Services (IL Services);
 - 3) demonstration of ways to expand and improve IL Services in Illinois;
 - 4) supporting the operations of CILs throughout the State;
 - 5) increasing the scope of services provided by CILs;
 - 6) conducting studies and making reports on the finding of such studies which will enhance IL Services in the State;
 - 7) providing training to individuals with and without disabilities regarding the philosophy of Independent Living;
 - 8) developing a mechanism by which a CIL will inform its customers of their rights to an Independent Living Plan and review and revision of that plan, their rights of appeal, including the availability of services through the Client Assistance Program; and
 - 9) providing outreach to populations that are unserved or underserved.

Section 886.50 Applications for First-time Funding from DORS for Centers for Independent Living

When making application for funding from DORS, the CIL must provide documentation which demonstrates:

- a) a broad-based support from individuals with disabilities and consumer groups within the community(ies) the CIL will serve;
- b) that the CIL is operated with consumer control, as defined at Section 886.20(c);
- c) that the CIL has a broad understanding of existing community resources and the needs for additional resources in the community(ies) it serves;
- d) adequate knowledge, skill, and resources to provide at least the Independent Living Core Services, as described in Section 886.20(f);
- e) involvement of the CIL in the community(ies) with such groups as city council, county board, and other political sub-units;
- f) compliance with all provisions for physical and programmatic accessibility of the CIL as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Non-discrimination on the Basis of Handicap in Programs and Activities

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Receiving or Benefitting from Federal Financial Assistance (34 CFR 104), the Illinois Human Rights Act [775 ILCS 5], the Illinois Accessibility Code (71 Ill. Adm. Code 400), the Americans with Disabilities Act (42 U.S.C. 12101), and any other appropriate State or federal law or regulation;

- g) the ability to provide Independent Living Services as described in Section 886.20(g); and
- h) any other provision regarding the operation of a CIL as required by DORS, or State or federal law or regulation.

Section 886.60 Review and Approval of Initial Applications for Funding from DORS

On an annual basis, DORS shall review all new applications for first-time funding received from CILs. Applications shall be ranked based on the determination of the CIL's ability to meet the criteria listed in Section 886.50. The results of the review shall be presented to DORS' Director who shall have the final determination for distribution of first-time funding.

Section 886.70 Compliance Reviews and Recertification for CILs for Continued Funding

- a) Annually, or whenever it is determined necessary by DORS, DORS shall conduct an on-site review of all DORS-funded CILs to ascertain whether DORS should renew, modify, or terminate funding agreements with the CIL.

- b) The review shall be completed using a team of peer reviewers which is selected and established by DORS and the Illinois Network of Centers for Independent Living (INCIL), if funding permits. The peer review team shall include a current CIL director with at least 3 years management experience selected by the CIL being reviewed from a list provided by DORS and one member of DORS' Independent Living staff who is not the project officer for the funding agreement with the CIL being reviewed. When sufficient funds are not available, reviews shall be completed by only DORS Independent Living staff.

- c) DORS shall review CILs using the criteria established by RSA for review of compliance for CILs receiving funding under Part C, as defined by Section 725(b) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 725(b)).

Section 886.80 Scoring of the Compliance Review

- a) Impact of Compliance Review Scoring
Based on the reviewers' observations regarding the CIL's compliance with DORS' requirements, each CIL undergoing a review will be given a numerical score for each compliance standard. The scores for each compliance standard will then be totalled to determine the CIL's total compliance rating. The total compliance rating will be used when

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- making final recommendations to DORS' Director for continued funding.
- b) Numerical Values for Compliance Review Standards
Each compliance standard on which the CIL is being reviewed shall be rated on a 10 point scale with 10 meaning full compliance and 0 points meaning the CIL has failed to meet any portion of the standard.
- c) A total of 70 points shall be available to a CIL undergoing a Compliance Review based on 10 possible points for each of the 7 compliance standards. Based on this, recommendations for continued funding shall be made as follows:
- 1) 50 or more total points - Full Compliance
 - 2) 40-49 total points - Partial Compliance
 - 3) 30-39 total points - Noncompliance
 - 4) less than 30 total points - Unacceptable Noncompliance

Section 886.90 Reporting the Outcome of a Compliance Review

- a) Upon completion of the compliance review, the team completing the review shall tabulate all ratings, prepare a written report of findings, and provide them to the Manager-Division of Independent Living for review.
- b) The Manager-Division of Independent Living shall review the ratings and report to ensure all information is correct and adequate and shall prepare a written recommendation regarding future funding from DORS to the CIL and submit the recommendation to DORS' Director for review.
- c) DORS' Director shall then review the recommendation and supporting documentation provided by the Manager-Division of Independent Living and make a final determination as to future funding to the CIL.

Section 886.100 Funding Based on Compliance Review Outcomes

After review of the recommendation and supporting material, DORS' Director shall assign the CIL a final compliance rating, as follows, which will have the impact described below.

- a) Full Compliance Rating - the CIL shall receive funding at the same or an increased level as the current year within the limitation of available funds and the needs of DORS and shall be exempt from undergoing a Full Compliance Review for a period not to exceed 3 years.
- b) Partial Compliance Rating - the CIL will be placed on 6 month probationary status to remedy deficiencies identified in the Compliance Review. Funding will remain at the same level as the current year, prorated for the 6 month period for the probationary period within the limitation of available funds and the needs of DORS. During the probationary period, DORS shall monitor the progress of the CIL to ensure deficiencies are being corrected. Prior to the end of the 6 month probationary period, DORS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient. In the second Compliance Review, the CIL must obtain

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- a) Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full Compliance Rating as a result of the second review, the provisions of subsection (a) above shall apply, except that the CIL shall undergo a Full Compliance Review at least once in the next 3 years.
- c) Noncompliance Rating - the CIL will be placed on 12 month probationary status to remedy deficiencies identified in the Compliance Review. Funding will remain at the same level as the current year for the 12 month probationary period within the limitation of available funds and the needs of DORS. During the probationary period, DORS shall monitor the progress of the CIL to ensure deficiencies are being corrected. Prior to the end of the 12 month probationary period, DORS shall perform a Compliance Review of the CIL reviewing only those items on which the CIL was found deficient. In the second Compliance Review, the CIL must obtain a Full Compliance Rating or funding to the CIL shall be terminated within 30 days. If the CIL achieves a Full Compliance Rating as a result of the second review, the provisions of subsection (a) above shall apply, except that the CIL shall undergo a Full Compliance Review the next year and a Secondary Compliance Review for each of next two years.
- d) Unacceptable Noncompliance Rating - funding to the CIL will be ceased in 30 days. There will be no probationary period or subsequent review of the CIL.

Section 886.110 Grievance of Compliance Review Ratings

A CIL which does not agree with the Compliance Review Rating which it receives as a result of a Primary or Secondary Compliance Review may grieve the rating through a two-step grievance, as follows.

a) Level I - Manager's Review

- 1) Within 30 calendar days after the date of the final Compliance Rating given to the CIL, the CIL may request a review by the Manager-Division of Independent Living. The request must be in writing and state the specific items with which the CIL disagrees.
- 2) Within 10 calendar days after the date of the request, the Manager-Division of Independent Living will contact the CIL in writing and will inform the CIL of the time, date, and location of a meeting to discuss the grievance. The meeting must be within 30 days after the date of the request for review filed by the CIL. The purpose of the meeting will be for both sides to present evidence to support its case, the review team to present information to justify the ratings, and for the CIL to present information to refute the ratings.
- 3) Within 10 calendar days after the date of the meeting, the Manager-Division of Independent Living will issue his/her written decision on the grievance.
- 4) If the initial determination was to discontinue funding to the

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CIL, funding will not continue during the grievance process past the date of the current contract's funding termination date.

b) Director's Review

- 1) Any CIL not satisfied with the result of the Manager's Review may request a Director's Review. In order to request a Director's Review the CIL must, within 10 calendar days after the date of the Manager's Review decision, request such a review. The request must be in writing to DORS' Director and state the specific items with which the CIL disagrees.
- 2) Within 10 calendar days after the date of the request, the Director will contact the CIL in writing and will inform the CIL of the date by which evidence must be submitted for review. This date will be within 15 calendar days after the date of the request for a Director's Review.
- 3) The Director will then review the information provided by the CIL and the DORS file regarding the Compliance Rating and shall, within 30 calendar days after the date evidence is to be submitted for the Director's Review, issue a written decision on the matter. The Director's Review is the final step in the grievance process and shall constitute DORS' final action on the matter.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Grant Program for Dependents of Correctional Officers

- 2) Code Citation: 23 Ill. Adm. Code 2731

- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2731.10	Amended
2731.20	Amended
2731.30	New
2731.40	New
2731.50	New

- 4) Statutory Authority: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: A number of changes have been incorporated to implement the statutory amendments contained in P.A. 89-0430 and to add new Sections which parallel the codification scheme contained in other Parts of ISAC rules. It is important to note that many, if not most, of the provisions contained in Sections 2731.20 through 2731.50 are a codification of long-standing policies. Amendments to previous requirements that had been changed through legislative action are explained below. Section 2731.20 now includes definitions, similar to other Parts of ISAC rules. Section 2731.30 has been added and outlines the procedures to be followed as well as the eligibility criteria to be met if an applicant desires assistance through this program. Subsection (f) reflects the statutory provision that recipients need not be residents of Illinois at the time of enrollment in order to receive program benefits. Subsection (g) amends previous language describing the amount of awards under this Part. A recipient attending a public institution in Illinois may receive full payment of tuition and mandatory fees, in accordance with the statute. In our efforts to maintain equity and still enable students to attend institutions of their choice, the award to a recipient at a private institution shall not exceed the grant that would be awarded to a student enrolled in a comparable program of study at a public institution. Subsection (i) specifies that benefits under this program are applicable to both undergraduate and graduate studies. Section 2731.40 has been added and includes the procedures that ISAC will follow in the administration of this program. Subsection (e) outlines how ISAC will distribute funds if the appropriation is insufficient to make awards to all eligible applicants and if prorations become necessary. Section 2731.50 has been added and describes the procedures that

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institutions should follow when packaging and disbursing student financial assistance through this program. Subsection (b) contains institutional guidelines that apply if and when a recipient's financial aid award exceeds the cost of attendance or if there is another grant or scholarship that is intended to defray the same educational costs covered by this grant. Subsection (c) delineates the payment processing requirements, which are similar to those followed by institutions in the administration of the Monetary Award Program (MAP). (See 23 Ill. Adm. Code 2735.)

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015
(847) 948-8500

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2731
GRANT PROGRAM FOR DEPENDENTS OF CORRECTIONAL OFFICERS

Section	Summary and Purpose
2731.10	Definitions Program-Procedures
2731.20	Applicant Eligibility and Procedures
2731.30	Program Procedures
2731.40	Institutional Procedures
2731.50	

AUTHORITY: Implementing Section 60 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/60 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990; amended at 17 Ill. Reg. 10559, effective July 1, 1993; amended at 18 Ill. Reg. 10299, effective July 1, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 2731.10 Summary and Purpose

- a) If a Correctional Officer ~~correctional-officer--is~~ employed by the Illinois Department of Corrections in a security position and is killed or sustains an injury resulting in a Permanent Disability ~~at least--ninety--percent--disabled~~ in the line of duty, the Correctional Officer's Spouse ~~employee's-spouse~~ and Children ~~children~~ may receive grant assistance under this Program, without regard to financial need ~~Part.~~
- b) This Part establishes Rules which govern the Correctional Officer's Grant Program for Dependents of Correctional Officers. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2731.20 Definitions **Program-Procedures**

"Child or Children" - means any natural child, legally adopted child or child in the legal custody of the Correctional Officer at the time

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of the officer's death or Permanent Disability. Step-children are ineligible.

"Correctional Officer" -- means an employee of the Illinois Department of Corrections (DOC) who is assigned to a security position with the Department, who has responsibility for inmates of any correctional institution under the jurisdiction of the Department and who is killed or sustains an injury resulting in a Permanent Disability in the line of duty.

"Dependent" - means a Child or Spouse of a Correctional Officer.

"Permanent Disability" - for the purposes of this Part, means a mental or physical condition that is reasonably certain to continue throughout the lifetime of the Correctional Officer, resulting in 90% to 100% incapacity from performing substantial and material duties previously discharged, and caused by an injury sustained in the line of duty, as established by the certified statement of a licensed physician.

"Recipient" - for the purposes of this Part, means an individual who receives assistance through this Program.

"Spouse" - means a husband or wife of the Correctional Officer at the time of the officer's death or Permanent Disability. For the purposes of this Program, persons involved in common law relationships and those who are divorced or remarried are not considered Spouses.

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[illegible][illegible]

14. THE STATE OF TEXAS, COUNTY OF DALLAS, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.

[illegible]

ILLINOIS STUDENT ASSISTANCE COMMISSION
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required:-

(Source: Amended at 20 Ill. Reg. _____, effective _____)

2731.30 Applicant Eligibility and Procedures

- a) All first-time Applicants shall complete an application which includes biographical information regarding the deceased or disabled Correctional Officer (e.g., name, where employed, position title, date of death or disability, etc.) and shall be accompanied by a certified death certificate or the certified statement of a licensed physician. Once eligibility has been established for one member of a family, it is established for all eligible dependents in the family. Thereafter, a simplified application will be required from each student on an annual basis.
- b) Applications must be filed prior to the end of the Academic Year for which grant assistance is being requested.
- c) If an application is incomplete, notice will be sent to the Applicant. The Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.
- d) A qualified Applicant shall:
- 1) be or have been a Dependent of a Correctional Officer;
 - 2) be a United States Citizen or Eligible Noncitizen;
 - 3) be enrolled on at least a half-time basis at an Institution that is approved for participation in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 27.95); and
- e) 4) be making Satisfactory Academic Progress toward a degree or certificate.
- f) An Applicant need not be a Resident of Illinois at the time of enrollment and does not have to demonstrate financial need to receive this grant.
- g) Grants are applicable toward Tuition and Mandatory Fees.
- 1) A Recipient attending a public Institution in Illinois shall receive a grant that shall not exceed the cost of Tuition and Mandatory Fees at that Institution.
 - 2) A Recipient attending a private Institution in Illinois may receive a grant sufficient to pay the costs of Tuition and Mandatory Fees, provided that the award shall not exceed the maximum grant payable to a student Enrolled in the most expensive comparable program of study at a public Institution.
- h) Notice of the grant award shall be sent to each Recipient. Applicants not receiving awards will also be notified.
- i) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.

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- j) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the Institution the total amount of the funds received during the period in which s/he was ineligible.
- k) Grant Recipients receive payment through their Institution of Record.
- l) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive a grant for costs incurred up to the Term award provided that the Institution's Tuition refund policy indicates the Applicant had incurred such charges.
- m) Recipients shall notify ISAC, in writing, within ten days of any changes affecting the Dependent's name, address or enrollment status.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2731.40 Program Procedures

- a) ISAC will determine an Applicant's eligibility from the biographical data supplied on the application and the supporting documentation.
- b) Grant payment is subject to the limits of dollars appropriated for this program by the General Assembly.
- c) ISAC pays grant funds directly to the Institution of Record in the name of the student.
- d) ISAC will disburse grant funds in multiple installments, depending upon the number of Terms financed by the grant; except that multiple disbursements will not be required in cases where the Applicant's eligibility is not determined until the final Term of the Academic Year for which the grant is being awarded or when a student is attending only one Term and the maximum award does not exceed the student's cost of attendance.
- e) In the event that funds are insufficient to make awards to all eligible Applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:
- 1) First semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full.
 - 2) If funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full.
 - 3) If funds remain after second semester/second and third quarter awards are paid, summer term awards will be paid, or prorated if funding is insufficient to pay all grants in full.
 - 4) In the event that funds are not exhausted, awards for the difference between in-district/state and out-of-district/state Tuition will be paid, or prorated if funds remaining are insufficient to pay all such grants in full.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 20 Ill. Reg. _____, effective _____)

2731.50 Institutional Procedures

- a) The Institution shall certify the Applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the Academic Year.
- b) Institutional packaging of assistance:
- 1) If the grant Recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred by the student and if so, the Institution shall reduce one of the awards accordingly.
 - 2) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's Gift Assistance may not exceed the student's cost of attendance for that Institution. Any excess Gift Assistance is considered an overaward and the Institution is required to notify ISAC to reduce this grant and/or other Gift Assistance to prevent such an overaward.
 - 3) If the Applicant is eligible for assistance under MAP, the Applicant may not be eligible for a full MAP grant because the Correctional Officer grant must be factored into the financial aid package prior to receiving MAP Gift Assistance. The Institution, however, may request a MAP grant to finance Tuition and Mandatory Fee expenses not paid by this program.
- c) Institutional Processing of Payments:
- 1) Upon receipt of grant funds, the Institution shall make sure that the Recipient continues to be Enrolled on at least a half-time basis.
 - 2) Within 30 days of receiving payment, the Institution shall credit the award toward the Recipient's Tuition and Mandatory Fee charges for the appropriate Term.
 - 3) If the Recipient withdraws from enrollment, the Institution shall return the amount of the grant to ISAC for the semester(s) or quarter(s) not attended.
 - 4) Institutions are required to reconcile payments received through this program. Any payments received by the Institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds can be caused by clerical errors, retroactive withdrawals, and other miscellaneous reasons. Should the payment arrive after the end of the Term, the Institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.
 - 5) Award payments made in the name of one Recipient cannot be

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applied to another Recipient at the same Institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper Recipient.

- 6) If the Institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the Institution.

(Source: Added at 20 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Police Officer/Fire Officer Survivor Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Numbers: Proposed Action:

2732.10	Amended
2732.20	Amended
2732.30	New
2732.40	New
2732.50	New
- 4) Statutory Authority: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: ISAC annually reviews its rules in order to respond to market changes and client suggestions, to implement state and federal statutory amendments, and to clarify issues that have arisen during the previous year. In addition to making minor technical and grammatical changes throughout this Part, ISAC proposes the following substantive amendments: A number of changes have been incorporated to implement the statutory amendments contained in P.A. 89-0430 and to add new Sections which parallel the codification scheme contained in other Parts of ISAC rules. It is important to note that many, if not most, of the provisions contained in Sections 2732.20 through 2732.50 are a codification of long-standing policies. Amendments to previous requirements that had been changed through legislative action are explained below. The name of this Part has been updated from the Police Officer/Fire Officer Survivor Grant Program to the Grant Program for Dependents of Police or Fire Officers, to more accurately reflect the current purpose of this program and legislative intent. Section 2732.10 has been amended to reflect that eligibility is expanded to include family members of Police and Fire Officers who, in the line of duty, sustained injuries resulting in a permanent disability and not only those who lost their lives. Section 2732.20 now includes definitions, similar to other Parts of ISAC rules, many of which mirror the definitions used for the Dependents of Correctional Officers Grant Program. (See 23 Ill. Adm. Code 2731.) Section 2732.30 has been added and outlines the procedures to be followed as well as the eligibility criteria to be met if an applicant desires assistance through this program. Subsection (f) reflects the statutory provision that recipients need not be residents of Illinois at the time of enrollment in order to receive program benefits. Subsection (g) amends previous language describing the amount of awards under this Part. A recipient attending a public institution in Illinois may receive full payment of tuition and mandatory fees, in accordance with the statute. In our efforts to maintain equity and still enable students to attend institutions of their choice, the award to a recipient at a private

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institution shall not exceed the grant that would be awarded to a student enrolled in a comparable program of study at a public university in Illinois. Subsection (i) limits the benefits under this Part to the equivalent of eight semesters or twelve quarters of undergraduate or graduate study, in conformity with the Correctional Officers program and statutory amendments. Section 2732.40 has been added and includes the procedures that ISAC will follow in the administration of this program. Subsection (e) outlines how ISAC will distribute funds if the appropriation is insufficient to make awards to all eligible applicants and if prorations become necessary. Section 2732.50 has been added and describes the procedures that institutions should follow when packaging and disbursing student financial assistance through this program. Subsection (b) contains institutional guidelines that apply if and when a recipient's financial aid award exceeds the cost of attendance or if there is another grant or scholarship that is intended to defray the same educational costs covered by this grant. Finally, Subsection (c) delineates the payment processing requirements, which are similar to those followed by institutions in the administration of the Monetary Award Program (MAP). (See 23 Ill. Adm. Code 2735.)

- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Ms. Raquel G. Martinez
Compliance Counsel
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500

- 12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect

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small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the proposed amendments begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

~~POLICE-OFFICER-FIRE-EMPTER-SURVIVOR~~ GRANT PROGRAM FOR DEPENDENTS OF
POLICE OR FIRE OFFICERS

Section

2732.10 Summary and Purpose

2732.20 Definitions ~~Program-Procedures~~

2732.30 Applicant Eligibility and Procedures

2732.40 Program Procedures

2732.50 Institutional Procedures

AUTHORITY: Implementing Section 55 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/55 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990; amended at 17 Ill. Reg. 10620, effective July 1, 1993; amended at 18 Ill. Reg. 10342, effective July 1, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 2732.10 Summary and Purpose

a) If an Illinois Police Officer ~~police-officer~~ or Fire Officer is ~~fire officer--was--deceased~~ killed or sustains an injury in a Permanent Disability in the line of duty, the Officer's Spouse ~~surviving--spouse~~ and Children ~~children-of-the-deceased~~ may receive ~~undergraduate~~ grant assistance under this Program, without regard to financial need Part.

b) This Part establishes Rules which govern the Grant Program for Dependents of Police or Fire Officers ~~Police-Officer-Fire-Officer-Survivor~~ Grant Program. Additional Rules and Definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 2732.20 Definitions ~~Program-Procedures~~

"Child or Children" - means any natural child, legally adopted child or child in the legal custody of the Police or Fire Officer at the time of the officer's death or Permanent Disability. Step-children

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are not eligible.

"Dependent" - means a Child of Spouse of a Police or Fire Officer.

"Officer" - means a Police or Fire Officer who is killed or sustains an injury resulting in a Permanent Disability in the line of duty while employed by, or in the voluntary service of, this State or any public entity in this State.

"Permanent Disability" - for the purposes of this Part, means a mental or physical condition that is reasonably certain to continue throughout the lifetime of the Officer, resulting in a 90% to 100% incapacity from performing substantial and material duties previously discharged, and caused by an injury sustained in the line of duty, as established by the certified statement of a licensed physician.

"Recipient" - for the purposes of this Part, means an individual who receives assistance through this Program.

"Spouse" - means a husband or wife of the Officer at the time of the Officer's death or Permanent Disability. For the purposes of this Program, persons involved in common law relationships and those who are divorced or remarried are not considered Spouses.

a) ~~Surviving-children--must-be-at-or-under-the-age-of-twenty-five-at-the-time-of-enrollment--the-surviving-children-must-be-the-natural--or-adopted-children-of-the-deceased--Step-children-are-ineligible-Recipients--must-be--Citizens--or--Eligible-Noncitizens-of-the-United-States--and-Residents-of-Illinois-~~

b) ~~Grant-amounts-shall-be-calculated-in-accordance-with-Sections-35(c)(1) and-427-of-the-Higher-Education--Student--Assistance-Act--(110-ILCS-947-35(c)(1) Stat--1991--Chv-144--Par-3035(c)(1) and-1247--(110-ILCS-947-35(c)(1) and-427)-which-govern-the-Monetary--Award--Program--(MAP)--Sents-shall-not-exceed-the-statutory-MAP-grant-for-that-Academic-Year-~~

c) ~~Financial-need-is-not-a-criterion-Grants-may-be-used--at--any--postsecondary--institution--approved--for-participation-in-the-Monetary-Award-Program--provided-the-Applicant-is-Enrolled-on-at-least-a-half-time-basis-and-is-maintaining-Satisfactory-Academic-Progress--1991--Chv-144--Par-3035(c)(1) and-1247--(110-ILCS-947-35(c)(1) limited-to-the-equivalent-of-ten-semesters--or--fifteen-quarters--of-payment-~~

d) ~~Applicants-shall-file-a-biographical-application-identifying-the-deceased-Police-Officer-Fire-Officer-and-will-be-required-to-submit-a-death-certificate--Once-eligibility-has-been-established-on-basis-of-all-eligible-dependents-in-the-family--an-annual-application-identifying-the-institution-to-be-attended-is-required-~~

e) ~~Applicants-shall-file-a-biographical-application-identifying-the-deceased-Police-Officer-Fire-Officer-and-will-be-required-to-submit-a-death-certificate--Once-eligibility-has-been-established-on-basis-of-all-eligible-dependents-in-the-family--an-annual-application-identifying-the-institution-to-be-attended-is-required-~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

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2732.30 Applicant Eligibility and Procedures

- a) All first-time Applicants shall complete an application which includes biographical information regarding the deceased or disabled Officer (e.g., name, where employed, position title, date of death or disability, etc.) and shall be accompanied by a certified death certificate or the certified statement of a licensed physician.
- b) Once eligibility has been established for one member of a family, it is established for all eligible Dependents in the family. Thereafter, a simplified application will be required from each student on an annual basis.

- c) Applications must be filed prior to the end of the Academic Year for which grant assistance is being requested.

- d) If an application is incomplete, notice will be sent to the Applicant. The Applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date it was completed and received in ISAC's Deerfield office.

- e) A qualified Applicant shall:

- 1) be or have been a Dependent of an Officer;
- 2) be a United States Citizen or Eligible Noncitizen;
- 3) be enrolled on at least a half-time basis at an Institution that is approved for participation in the Monetary Award Program (MAP) (see 23 Ill. Adm. Code 2735); and
- 4) be making Satisfactory Academic Progress toward a degree or certificate.

- f) An Applicant need not be a Resident of Illinois at the time of enrollment and does not have to demonstrate financial need to receive this grant.

- g) Grants are applicable toward Tuition and Mandatory Fees.

- 1) A Recipient attending a public Institution in Illinois shall receive a grant that shall not exceed the cost of Tuition and Mandatory Fees at that Institution.

- 2) A Recipient attending a private Institution in Illinois may receive a grant sufficient to pay the costs of Tuition and Mandatory Fees, provided that the award does not exceed the maximum grant payable to a student Enrolled in the most expensive comparable program of study at a public Institution. Applicants

- h) Notice of the grant award will be sent to each Recipient. Applicants not receiving awards will also be notified.

- i) Benefits are limited to the full-time enrollment equivalent of eight semesters or twelve quarters of payment for undergraduate or graduate study.

- j) A student who receives a grant under this program and who is subsequently determined to be ineligible shall repay the Institution the total amount of the funds received during the period in which s/he was ineligible.

- k) Grant Recipients receive payment through their Institution of Record.

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- l) If an Applicant withdraws from enrollment after the expiration of the Tuition refund/withdrawal adjustment period, the Applicant shall receive a grant for costs incurred up to the Term award provided that the Institution's Tuition refund policy indicates the Applicant had incurred such charges.

- m) Recipients shall notify ISAC, in writing, within ten days of any changes affecting the Dependent's name, address or enrollment status.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2732.40 Program Procedures

- a) ISAC will determine an Applicant's eligibility from the biographical data supplied on the application and the supporting documentation.

- b) Grant payment is subject to the limits of dollars appropriated for this Program by the General Assembly.

- c) ISAC pays grant funds directly to the Institution of Record in the name of the student.

- d) ISAC will disburse grant funds in multiple installments, depending upon the number of Terms financed by the grant; except that multiple disbursements will not be required in cases where the Applicant's eligibility is not determined until the final Term of the Academic Year for which the grant is being awarded or when a student is attending only one Term and the maximum award does not exceed the student's cost of attendance.

- e) In the event that funds are insufficient to make awards to all eligible Applicants, ISAC will make award determinations on the basis of the dates that the completed applications were received and the following:

- 1) First semester and first quarter awards will be paid, or prorated if funding is insufficient to pay all grants in full.

- 2) If funds remain after first semester and first quarter awards are paid, then second semester/second and third quarter awards will be paid, or prorated if funds remaining are insufficient to pay all grants in full.

- 3) If funds remain after second semester/second and third quarter awards are paid, summer Term awards will be paid, or prorated if funding is insufficient to pay all grants in full.

- 4) In the event that funds are not exhausted, awards for the difference between in-district/state and out-of-district/state tuition will be paid, or prorated if funds remaining are insufficient to pay all such grants in full.

(Source: Added at 20 Ill. Reg. _____, effective _____)

2732.50 Institutional Procedures

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a) The Institution shall certify the Applicant's award amount within the time frame requested by ISAC, which shall be no sooner than 30 days unless a more rapid response is necessary to expend appropriated funds prior to the end of the Academic Year.

b) Institutional packaging of assistance:

1) If the grant Recipient receives other assistance targeted specifically for Tuition and fees, the combined assistance shall not exceed the total Tuition and fee expenses incurred by the student and if so, the Institution shall reduce one of the awards accordingly.

2) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's Gift Assistance may not exceed the student's cost of attendance at that Institution. Any excess Gift Assistance is considered an overaward and the Institution is required to notify ISAC to reduce this grant and/or other Gift Assistance to prevent such an overaward.

3) If the Applicant is eligible for assistance under MAP, the Applicant may not be eligible for a full MAP grant because the Police or Fire Officer grant must be factored into the financial aid package prior to receiving MAP Gift Assistance. The Institution, however, may request a MAP grant to finance Tuition and Mandatory Fee expenses not paid by this Program.

c) Institutional Processing of Payments:

1) Upon receipt of grant funds, the Institution shall make sure that the Recipient continues to be Enrolled on at least a half-time basis.

2) Within 30 days after receiving payment, the Institution shall credit the award toward the Recipient's Tuition and Mandatory Fee charges for the appropriate Term.

3) If the Recipient withdraws from enrollment, the Institution shall return the amount of the grant to ISAC for the semester(s) or quarter(s) not attended.

4) Institutions are required to reconcile payments received through this Program. Any payments received by the Institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic Term. Refunds can be caused by clerical errors, retroactive withdrawals, and other miscellaneous reasons. Should the payment arrive after the end of the Term, the Institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds to ISAC.

5) Award payments made in the name of one Recipient cannot be applied to another Recipient at the same Institution. A refund of the payment must be submitted to ISAC and a supplemental request must be made and processed for the proper Recipient.

6) If the Institution does not submit refunds as required, ISAC will deduct outstanding refunds from subsequent payments to the

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT(S)

Institution.

(Source: Added at 20 Ill. Reg. _____, effective _____)

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Toll Highway Rules and Regulations
- 2) Code Citation: 92 Ill. Adm. Code 2520
- 3) Section Numbers:

<u>Proposed Action:</u>	
2520.110	Amended
2520.700	New
2520.701	New
2520.702	New
2520.703	New
2520.704	New
2520.705	New
2520.706	New
2520.707	New
2520.708	New
2520.709	New
2520.710	New
2520.711	New
2520.712	New
2520.713	New
2520.714	New
- 4) Statutory Authority: 605 ILCS 10/1(g), as amended by PA 89-120, July, 1995.
- 5) A complete description of the subjects and issues involved: This Subpart contains proposed amendments of Illinois State Toll Highway Authority applicable to its administrative adjudication hearings and format.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: These amendments will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments within forty-five (45) days of the publication of this notice in the Illinois Register to:

Mr. George J. Sotos

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

Chief Counsel
 Assistant Attorney General
 Illinois State Toll Highway Authority
 One Authority Drive
 Downers Grove, Illinois 60515
 (708) 241-6800

All written comments received within forty-five (45) days of this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

- A) Type of small business, municipalities and not-for-profit corporations affected: The Authority believes that this rulemaking will have no distinct impacts on any small businesses, municipalities and not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking does not require applicants to perform reporting, bookkeeping or other procedures for achieving compliance.
- C) Types of professional skill necessary for compliance: No particular professional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begin on the next page:

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER IV: ILLINOIS TOLL HIGHWAY AUTHORITYPART 2520
STATE TOLL HIGHWAY RULES

SUBPART A: AUTHORITY AND DEFINITIONS

Section
2520.105
2520.110

Authority
Definitions

SUBPART B: GENERAL TRAFFIC RULES AND REGULATIONS

Section
2520.200
2520.201
2520.202

Illinois Vehicle Code
Use of Tollway Prohibited
Vehicles and Equipment Which May Be Excepted from Provisions of
Section 2520.201

Transportation of Hazardous Materials

2520.203
2520.204
2520.205
2520.206
2520.207

Special Usage Toll
Loading or Unloading of Vehicles
Full Stop at All Toll Plazas
Entering and Leaving the Tollway

2520.208
2520.209
2520.210
2520.211

"U" Turns, Etc.
Backing Up of Vehicles
Parking, Standing or Stopping
Relocating of Vehicles

2520.212
2520.213
2520.214
2520.215

Pushing or Towing of Vehicles
Stopping or Halting Vehicles by the Authority
Destruction of Authority Property
Picnics

2520.216
2520.217
2520.218
2520.219

Aircraft
Sale of Goods and Services
Solicitation of Rides
Loitering or Interfering with Traffic

2520.220
2520.221
2520.222

Approaching/Departing a Toll Plaza
Compliance with Orders or Directions of State Troopers, Etc.
Duty Upon Striking Fixtures, Structures or Other Property on Tollway

2520.223
2520.224
2520.225
2520.226

Payment of Tolls
Prohibited Lanes
Traffic Control Devices
Penalty for Violation

SUBPART C: TRESPASS

Section
2520.300

Authority

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

2520.301 Restriction of Vehicles Using the Tollway
2520.302 Restriction on Nature of Use of Tollway
2520.303 Enforcement
2520.304 Persons and Vehicles Excepted from the Requirements of Subpart C
2520.305 Penalties

SUBPART D: SPEED RESTRICTIONS

Section
2520.400
2520.401
2520.402

Authority
Maximum Speed Limits for Passenger Cars
Maximum Speed Limits for Trucks, Buses, Passenger Cars Towing
Trailer, House Trailer and Campers

2520.403

Maximum Speed Limits for Service Areas, Parking Areas, Access Roads
and Ramps

2520.404

Road Hazards and Construction Zones

2520.405

Minimum Speed Limits

2520.406

Special Road Conditions

SUBPART E: CONDUCT PROVISIONS

Section
2520.500
2520.501
2520.502

Provisions
Violations
Littering - Penalty
Spurious or Counterfeit Tickets, Coupons or Tokens - Penalty
Toll Collection Devices - Penalty for Breaking

SUBPART F: SEVERABILITY CLAUSE

Section
2520.600

Partial Invalidity

SUBPART G: General Provisions

Section
2520.700
2520.701
2520.702

Authority
Incorporation by Reference
Notice to Respondent
Establishment of the Toll Free Telephone Number

2520.703
2520.704
2520.705

Judicial Review
Penalties
Discovery

2520.706

Administrative Adjudication

2520.707

Duties of Hearing Officer

2520.708

Hearings Format

2520.709

Default - Failure to Appear

2520.710

Enforcement of Final Order

2520.711

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

2520.712 Continuance
 2520.713 Authority Rulemaking
 2520.714 Severability Clause

AUTHORITY: Implementing and authorized by the Toll Highway Act [605 ILCS 10].

SOURCE: Filed January 3, 1973; effective February 1, 1973; codified at 8 Ill. Reg. 19884; Part repealed, new Part adopted at 17 Ill. Reg. 8539, effective May 27, 1993; amended at 20 Ill. Reg. _____, effective _____.

Section 2520.110 Definitions

The following words and phrases when used in this Part shall have the meanings respectively ascribed to them in this Section:

"Authority" means the Illinois State Toll Highway Authority, an instrumentality and administrative agency of the State of Illinois, formerly known as the Illinois State Toll Highway Commission.

"Authorized Emergency Vehicles" means vehicles of fire departments and police departments, ambulances, emergency vehicles of public service companies, and other vehicles approved and authorized by the Authority when performing emergency business.

"Complaint" and "Notice" means the document(s) sent by the Authority to the respondent notifying the respondent of the alleged violations.

"Department of Transportation" means the Department of Transportation of the State of Illinois.

"Final Notice" means the notice sent by the Authority to the respondent that informs the respondent of a finding of liability of the listed charges that has been entered against the respondent.

"Hazardous Materials" means and includes explosives, radioactive materials, etiologic agents, and other dangerous materials, as defined in Title 18, Sections 831-835, U.S. Code, including flammable liquids.

"Hearing" means a formal hearing conducted by the Authority or appointed hearing officer, to determine whether a violation of the Toll Highway Act and/or any and all rules and regulations promulgated thereto exists.

"Illinois Vehicle Code" means the Illinois Vehicle Code as set forth in Ill. Rev. Stat. 1991, ch. 95-1/2, part 1-100, et seq. [625 ILCS 5].

"Motor Driven Cycles" means every motorcycle or motor scooter with

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

less than 150 cubic centimeter piston displacement, including motorized pedalcycles.

"Oases" means the portions of the Tollway Right-of-Way occupied by restaurants, buildings and service stations, and parking and landscaped areas adjacent thereto.

"Person" means any individual, firm, corporation, cooperative, association, trust, partnership, joint venture or other legally recognized entity.

"Respondent" means any person charged with violating the Toll Highway Act.

"Right-of-Way" means the entire area of the Tollway within the fence lines (or the barrier wall(s), where no fence exists), including but not limited to the roadways, shoulders, structures, landscaped areas, maintenance areas, Oases, toll plaza areas, or any other area under the control or jurisdiction of the Authority.

"Toll" means the fixed compensation to be paid to the Authority for the privilege of using the Tollway or any part thereof.

"Toll Highway Act" means Ill. Rev. Stat. 1991, ch. 121, part 100-1 et seq. and 605 ILCS 10-1 et seq. and any rules or regulations promulgated thereto.

"Toll Plaza" means any toll collection facility located upon the Tollway, including manned toll booths and/or automatic toll collection machines.

"Tollway" means any and all toll highways operated and maintained by the Authority pursuant to State and federal laws as well as any and all intergovernmental agreements by and between the Authority and other governmental entities. the Illinois Toll Highways consisting of four routes, including ramp connections, which are described, in general as:

Tri-State Tollway (I-294/I-94) which extends from the connection with the East-West Expressway (Interstate Routes 94 and 80) west of Bensenville, Illinois, west-northwest, and north around and through the Chicago Metropolitan Area to Interstate Route 94, terminating one mile south of the Illinois-Wisconsin line, and includes a spur leading to and from the north end of the Edens Expressway;
Northwest Tollway (I-90) which extends from the connection with the Kennedy Expressway (Interstate Routes 90 and 190) near the Des Plaines River, Mayden Township, Cook County, Illinois;

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

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northwest--crossing-and-connecting-with--the--Gri-State--Tollway--
continuing--northwest--past--Bign--Illinois--to--Rockford--Illinois--
turning--north--and--terminating--at--a--point--one--and--one-half--miles
south--of--the--Illinois--Wisconsin--line--
East--West--Tollway--(I-88)--which--extends--from--a--connection--at--the
western--end--of--the--Bisenhower--Expressway--(Interstate--Route--380)--
in--Hillside--Illinois--west--crossing--and--connecting--with--the
Gri-State--Tollway--continuing--west--past--Aurora--DeKalb--Rockefeller
and--Dixon--and--terminating--east--of--Rock--Paris--Illinois--in--a
connection--with--U.S.--Route--387--
North--South--Tollway--(I-55)--which--extends--from--a--connection--with
the--Stevenson--Expressway--(Interstate--Route--55)--near--Boeingbrook--
Illinois--north--crossing--and--connecting--with--the--East--West
Tollway--passing--Woodridge--Biller--and--Bombard--and--terminating
at--Army--Trail--Road--in--Addison--Illinois--with--a--connection--to
Illinois--Route--537--

"Traffic Control Devices" means all signs, signals, markings and devices, including but not limited to barricades and traffic cones, placed or erected by the Authority or its agents for the purpose of regulating, warning, or guiding traffic.

"Traffic Lanes" are the lanes designated for vehicular travel on the Tollway which shall be designated numerically with the extreme left lane of each directional roadway being numbered "Lane No. 1", and each lane to the right of Lane No. 1 carrying traffic in the same direction being numbered consecutively.

"Violation" or "Toll Evasion" means one or more acts prohibited by the Toll Highway Act and/or any rules or regulations promulgated therefor relating to the payment or failure to pay tolls.

Any and all terms that are not specifically defined herein shall have the meanings ascribed to them in the Illinois Vehicle Code and the Toll Highway Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART G: GENERAL PROVISIONS

Section 2520.700 Authority

The following Rules in this Subpart G provide for an administrative adjudication hearing to investigate, mediate, and/or adjudicate alleged violations of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video surveillance system, pursuant to 605 ILCS 10/10(a)(5) of the Toll Highway Act (see PA 89-0120,

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NOTICE OF PROPOSED AMENDMENTS

effective July 7, 1995).

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.701 Incorporation by Reference

The following are incorporated into these rules and regulations as if fully stated herein:

- a) The Toll Highway Act as set forth in 605 ILCS 10.
- b) The Illinois Vehicle Code as set forth in 625 ILCS 5.
- c) The Illinois Administrative Review Law as set forth in 735 ILCS 5/Art. III.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.702 Notice to Respondent

- a) The Authority shall give notice to the respondent within one year after the date of the last alleged violation; however, the notice shall exclude those violations occurring more than two years prior to the date of the notice. Once valid notice has been given, nothing herein shall be construed to limit the Authority's rights or remedies. The notice shall be served on respondent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease. The service shall be deemed complete three calendar days after the date of the notice. The notice shall be in the following sequence and shall include but not be limited to the information specified herein:

- 1) A "Notice of Violation" specifying the date, approximate time and location of the violation cited, the particular regulation violated, the State registration number of cited vehicle (if available), the fine, and the amount of any additional fine that may be assessed for late payment, the availability of a hearing in which the violation may be contested on its merits and the manner in which the hearing may be had. Said notice shall also advise the party of the right to view the video surveillance evidence related to the cited violation. The notice shall also state that failure to either pay the indicated fine and any applicable penalty or to request a hearing on the merits will result in a final determination of toll evasion liability in the amount of the fine and/or penalty indicated.

- 2) A "Notice of Final Determination" shall be sent following a determination of toll evasion liability. The notice shall state that the unpaid fine and/or penalty is a debt owing the

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Authority. The notice shall contain warnings that failure to pay any fine or penalty due and owing within the time specified may result in the Authority's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered as a judgment as provided by this Section. In addition, the Authority may exercise any other right or remedy allowable under the laws of the State of Illinois. Each and every instance of toll evasion shall be considered an individual violation.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.703 Establishment of the Toll Free Telephone Number

The Authority shall establish a toll-free telephone number to receive, during its regular business hours, inquiries concerning alleged violations.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.704 Judicial Review

Judicial review of all final orders of the Authority shall be conducted in accordance with the Illinois Administrative Review Law, 735 ILCS 5/Art. III. All such actions for administrative review must be filed and heard in the Circuit Court of DuPage County.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.705 Penalties

Section 2520.223(g) of this Part authorizes the Illinois State Toll Highway Authority to:

- a) assess a \$20.00 fine against the registered owner of a vehicle who fails to pay the proper toll; and
- b) upon failure to pay the proper toll and fine to the Authority after notice of a final determination thereof and within 14 days after the notice, the registered owner shall also be subject to payment of an additional fine not to exceed \$50.00 for each and every violation pursuant to Section 2520.223(g) of this Part.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.706 Discovery

Except by the written agreement of all parties, discovery is limited to the

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following:

- a) The respondent will be allowed to schedule an appointment to review any and all video surveillance evidence prior to the scheduled hearing. Such appointments shall be made during regular business hours of the Authority and shall take place at the Authority's corporate office located at One Authority Drive, Downers Grove, Illinois 60515.
- b) Written discovery shall be limited to the production of documents and identification of witnesses that each party intends to introduce or call at the hearing. Nothing herein shall impose a duty upon the Authority to serve respondent with any documents that were previously sent to the registered owner of the cited vehicle as recorded with the Illinois Secretary of State by U.S. mail.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.707 Administrative Adjudication

- a) If the respondent fails to pay the assessed fines in the time specified and fails to file a written hearing request in the time specified in the notice, the respondent will be found liable for the alleged violations. In the event that the respondent requests a hearing, the hearing shall be scheduled no less than 30 days but not more than 45 days after the date of the notice. The Authority shall designate a hearing officer to conduct the hearing. The Authority may designate any person familiar with the law relating to the substance of the hearing as the hearing officer.
- b) Notice of Hearing - The Authority shall send written notice of the date and time of the hearing to all interested parties to the proceeding. The hearing shall be scheduled during regular business hours and shall be held at the main office of the Authority or at any other location designated by the Authority for such hearings. The Authority may, at its sole discretion, establish a process whereby respondents may contest the charges by mail rather than participating in a hearing.

- c) Contesting Violations by Mail - If the notice allows for the contesting of the alleged violations by mail and the respondent elects to contest the alleged violations by mail, then respondent shall be bound by the determination(s) of the hearing officer as if the respondent had appeared in person for such hearing.
- d) Minutes of Hearing - No minutes of the hearing shall be required; however, all pleas must be in writing and all determinations of liability must be in writing and must set forth the basis of the finding in sufficient detail as to allow for meaningful review of the finding.

- e) Conduct of Hearing - The hearing officer shall have full authority to conduct and control the procedure at the hearing. The hearing officer

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shall apply a preponderance of the evidence standard to all hearings conducted to determine respondent's liability for the violations alleged in the notice. The hearing officer shall not be bound by the strict rules of evidence of courts of law and equity.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.708 Duties of Hearing Officer

The powers and duties of the hearing officer at the hearing include but are not limited to:

- a) presiding over the hearing;
- b) explaining the procedures of the hearing to the interested parties;
- c) administering all oaths and listening to testimony;
- d) ruling on the admissibility of evidence and permitting parties to present evidence;
- e) permitting parties to examine and cross examine witnesses; and
- f) preparing a written report indicating his/her finding and the evidence and reasons supporting the finding.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.709 Hearings Format

- a) The Authority or the respondent may introduce into evidence, and the hearing officer may consider, all video surveillance evidence relating to the charged violations regardless of any foundation objections made by the opposing party.
- b) Any employee of the Authority may present the evidence on behalf of the Authority related to the alleged violation(s). However, in no event shall the hearing officer be allowed to present any evidence on behalf of the Authority.
- c) Each party to the hearing may make an opening statement, call, examine and cross examine witnesses, and seek to offer evidence. Evidence may be written or oral.
- d) Each party may make a closing statement at the conclusion of the hearing.
- e) The hearing officer may establish reasonable time limits for each presentation.
- f) No testimony shall be given or received at the hearing relating to discussions, offers, counter offers, rejections or admissions at any settlement conferences that may have occurred.
- g) Stipulations - Any written stipulations of the parties may be introduced as evidence at the hearing. Such stipulations shall be introduced at the beginning of the hearing and shall become part of the record of the hearing.

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(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.710 Default - Failure to Appear

a) If a party fails to appear at the hearing and fails to timely and properly request a continuance of the hearing, the Hearing Officer may enter an order of default against the party, and may also assess fines and penalties pursuant to Section 2520.705, Penalties.

b) If a representative from the Authority fails to appear at the hearing to prosecute the complaint/violation, the Hearing Officer shall dismiss the complaint with prejudice.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.711 Enforcement of Final Order

When the Authority determines that its order imposing fines remains unpaid, the Authority may exercise any of its remedies listed under Section 2520.705, Penalties. Those remedies will be cumulative and the exercise of any remedy does not preclude the use of any other remedy by the Authority.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.712 Continuance

a) The Authority shall have no right to a continuance unless the respondent requested and was granted a continuance in the matter.

b) All requests for continuance shall be made at least 24 hours in advance of the scheduled hearing date. All requests for continuances shall be made by contacting the Authority at its toll-free number and requesting a new hearing date. The respondent shall be issued a new hearing date that sets the matter for hearing within 30 days after the previously scheduled hearing date. Unless good cause is shown, in writing, at least 7 days before the scheduled hearing, no party shall be granted more than one continuance.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.713 Authority Rulemaking

These rules shall be liberally construed to accomplish the purposes of the Toll Highway Act and the laws of the State of Illinois. These rules and regulations shall be available to the general public at the main administrative offices of the Authority during regular business hours. These rules are subject to

ILLINOIS STATE TOLL HIGHWAY AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

modification at any time by the Authority's Board of Directors.

(Source: Added at 20 Ill. Reg. _____, effective _____)

Section 2520.714 Severability Clause

The provisions of this Part are severable, and if any provision shall be held unconstitutional by a court of competent jurisdiction, the decision of such court as to the unconstitutionality of such provisions shall not affect or impair any of the remaining provisions.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Placement and Visitation Services

2) Code Citation: 89 Ill. Adm. Code 301

3) Section Numbers: Adopted Action:

301.60

Adopt

4) Statutory Authority: 42 U.S.C.A. 5115a

5) Effective Date of Amendments: March 15, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 15, 1996

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 15116 (November 3, 1996)

10) Has JCAR issued a Statement of Objections to these rule(s)? No

11) Difference between proposal and final version: With the exception of editing changes made by the Administrative Code Division, no other changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
301.20	Amend	July 21, 1995 (19 Ill. Reg. 10349)
301.70	New	July 21, 1995 (19 Ill. Reg. 10349)
301.200	New	July 21, 1995 (19 Ill. Reg. 10349)
301.210	New	July 21, 1995 (19 Ill. Reg. 10349)
301.220	New	July 21, 1995 (19 Ill. Reg. 10349)
301.230	New	July 21, 1995 (19 Ill. Reg. 10349)
301.240	New	July 21, 1995 (19 Ill. Reg. 10349)
301.Appendix A	Amend	

15) Summary and Purpose of These Adopted Amendments: The amendments bring the Department's rule regarding the placement of children in foster care into

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

compliance with the federal Multiethnic Placement Act of 1994. This Act prohibits agencies receiving federal assistance from denying persons the opportunity of becoming foster parents solely on the basis of the race, color, or national origin of either the foster parent or the child involved. The Act also prohibits the delaying or denying the placement of a child solely on that basis.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station #222
Springfield, IL 62701-1498
(217) 524-1983
TTY: (217) 524-3715

The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 301
PLACEMENT AND VISITATION SERVICES

Section
301.1 Purpose (Renumbered)
301.2 Definition (Repealed)
301.3 Foster Care Placement Goal (Renumbered)
301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section
301.10 Purpose
301.20 Definitions
301.30 Introduction
301.40 Legal Authority to Place
301.50 Emergency Placement
301.60 Placement Selection Criteria
301.80 Relative Home Placement
301.90 Foster Family Home Care
301.100 Residential Care
301.110 Care in a Medical/Psychiatric Facility
301.120 Sharing Appropriate Information with the Caregiver
301.130 Medical Examinations for Children in Placement
301.140 Education of Children While in Placement

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section
301.310 Purpose
301.320 Foster Care Placement Goal
301.330 Plans to Achieve this Goal
APPENDIX A
Criminal Convictions which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

9438, effective July 1, 1995; amended at 20 Ill. Reg. **4602**, effective **MAR 15 1996**

SUBPART A: PLACEMENT SERVICES

Section 301.60 Placement Selection Criteria

- a) All placement decisions will be made consistent with the best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the racial ethnic parent would be a suitable caregiver for the child. If placement with the racial ethnic parent is not consistent with the best interests and special needs of the child or if the racial ethnic parent is not a suitable caregiver for the child, placement in substitute care shall be considered.
- b) Substitute care placement decisions consistent with the best interests and special needs of the child shall be made in consideration of the following:
- 1) the least restrictive setting appropriate for the child which most closely approximates a family;
 - 2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
 - 3) the child's cultural, ethnic and racial background and the ability of prospective foster or adoptive parents to meet the needs of a child with this background; and ~~a home that if possible, most closely approximates the religious, racial, ethnic and cultural background of the child, and~~
 - 4) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Services.

(Source: Amended at 20 Ill. Reg. **4602**, effective **MAR 15 1996**)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services Delivered by the Department
 - 2) Code Citation: 89 Ill. Adm. Code 302
 - 3) Section Numbers: Adopted Action:
302.300 Adopt
 - 4) Statutory Authority: 42 U.S.C.A. 5115a
 - 5) Effective Date of Amendments: March 15, 1996
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Do these amendments contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: March 15, 1996
 - 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 15120 (November 3, 1996)
 - 10) Has JCRC issued a Statement of Objections to these rule(s)? No
 - 11) Difference between proposal and final version: With the exception of editing changes made by the Administrative Code Division, no other changes were made.
 - 12) Have all the changes agreed upon by the agency and JCRC been made as indicated in the agreement letter issued by JCRC? Yes
 - 13) Will these proposed amendments replace an emergency rule currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | Section Number | Proposed Action | Illinois Register Citation |
|----------------|-----------------|--|
| 302.310 | Amend | 19 Ill. Reg. 16338 (December 15, 1995) |
- 15) Summary and Purpose of These Adopted Amendments: The amendments bring the Department's rule regarding the placement of children in adoptive homes into compliance with the federal Multiracial Placement Act of 1994. This Act prohibits agencies receiving federal assistance from denying persons the opportunity of becoming adoptive parents solely on the basis of the race, color, or national origin of either the adoptive parent or the child involved. The Act also prohibits the delaying or denying the placement of a child into an adoptive solely on that basis.
- 16) Information and questions regarding these adopted amendments shall be

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe St., Station # 222
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TTY: (217) 524-3715

17) The full text of the adopted amendments is as follows:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 302
SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services
302.50	

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repeated)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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NOTICE OF ADOPTED AMENDMENTS

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302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

- Section
302.500 Purpose
302.510 Implementation of the Family Preservation Act
302.520 Types of Intensive Family Preservation Services
302.530 Phase In Plan for Statewide Family Preservation Services
302.540 Time Frames

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15020, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired on November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4608, effective MAR 15 1996.

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.300 Adoptive Placement Services

- a) Adoptive placement services are provided to children for whom family preservation or reunification efforts are unsuccessful or inappropriate. The child's need for a stable, nurturing and permanent home which meet the physical and emotional needs, and best interests of the child is the paramount factor which shall be considered when selecting an adoptive resource. The constellation of adoptive placement services includes:
- 1) placement of the child and arranging for adoption assistance, if indicated; and
 - 2) supervisory visits to evaluate the child's adjustment in the adoptive home prior to the legal finalization of the adoption; and
 - 3) ongoing counseling after finalization of adoption. This counseling is provided at the family's request for up to 3 months. However, it may be provided for a longer period if the family wants it and the Department determines that additional counseling is needed.
- b) The child's needs and best interests shall be the primary consideration when exploring adoptive resources for a child. When selecting an adoptive placement for a child, the factors to be considered may ~~shall~~ include, but are not limited to:
- 1) the wishes of the child who demonstrates the maturity and cognitive ability to participate in the decision;
 - 2) the physical, mental, and emotional needs of the child;
 - 3) the child's need for stability and continuity of relationship with parent figures;
 - 4) the interaction between the child and the prospective adoptive parent;
 - 5) the prospective adoptive parent's ability to meet the physical, mental, and emotional needs of the child; and
 - 6) the child's cultural, ethnic and racial background and the ability of prospective adoptive parents to meet the needs of a child with this background. ~~the ability of the prospective adoptive family to provide an environment which would preserve the child's racial, ethnic and cultural heritage.~~
- c) Single parent adoptive placements are considered viable adoptive resources for children where the children's needs can be met by placement with a single parent.
- d) When there is documentation that a child's developmental and emotional needs for continuity of care or stability can be met best through adoption by the current caretaker(s) the planning should proceed to adoption finalization.
- e) Court ordered adoptive home studies shall be conducted by the Department for adoptions arranged by entities other than child welfare agencies only when the order emanates from an Illinois Court.

(Source: Amended at 20 Ill. Reg. 4606, effective MAR 15 1996)

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- 1) Heading of the Part: State Administration of the Federal Community Services Block Grant Program

- 2) Code Citation: 47 Ill. Adm. Code 120

- 3) Section Numbers: Adopted Action:

120.10 Amendment
 120.40 Amendment
 120.50 Amendment
 120.60 Amendment
 120.80 Amendment
 120.110 Amendment
 120.115 Amendment
 120.130 Amendment

- 4) Statutory Authority: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

- 5) Effective Date of Rulemaking: February 28, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: February 28, 1996

- 9) Notice of Proposal Published in Illinois Register: September 22, 1995 (19 Ill. Reg. 13127)

- 10) Has JCAR issued a Statement of Objections to these rules? Yes

- 11) Difference(s) between proposal and final version: Only technical changes indicated by the Joint Committee on Administrative Rules were made in the final version of the Rules.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Not applicable.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This rulemaking will revise the Department's rules to incorporate changes made in the federal Community Services Block Grant Act in 1994. A new provision will be added to allow Community Action Agencies to operate a Micro-Loan Program.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Barbara Beard, Rules Coordinator
 Department of Commerce and Community Affairs
 620 East Adams Street
 Springfield, IL 62701
 (217) 524-9617
 T.D.D.: (217) 785-6055

The full text of the Adopted Amendment begins on the next page:

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Reconciliation Act of 1981 (Public Law 97-35). This Act established ~~7 seven--77~~ block grant programs, including the Community Services Block Grant. These block grants replace a large number of programs previously administered by the Federal Government. The Omnibus Budget Reconciliation Act also transferred primary responsibility for the administration of the block grant programs to the States and conferred substantial discretion on the States as to use of the block grant funds.

2) The Community Services Block Grant (CSBG) Act (Act) was enacted as Subtitle B of Title VI of the Omnibus Budget Reconciliation Act (Sections 671-683) and replaced the following programs formerly administered by the Community Services Administration under the Economic Opportunity Act of 1964 (42 U.S.C. 2701 et seq.):

- A) Community Action/Local Initiative
- B) Senior Opportunities and Services
- C) Community Food and Nutrition
- 3) The Omnibus Budget Reconciliation Act authorized to be appropriated \$389,375,000 for fiscal year 1982 and such sums as may be determined by Congress for the succeeding fiscal years to carry out the provisions of that Act.
- 4) States were eligible to receive funds under the Community Services Block Grant on October 1, 1981.

b) State

1) On September 9, 1981, the Governor officially requested the Secretary of the U. S. Department of Health and Human Services to delegate to the State responsibility for administering the Community Services Block Grant Program in Illinois. At this time, he also designated the Illinois Department of Commerce and Community Affairs as the Agency to administer the program for the State. On September 29, 1981, the Department of Commerce and Community Affairs submitted the application document consisting of the assurances and plan required under Section 675 of the law, and the pre-expenditure report for fiscal year 1982 as required by Section 1742(a).

2) After the expiration of the first fiscal year in which the State receives funds under the program, the State Legislature is required to conduct public hearings on the proposed use and distribution of Community Services Block Grant funds.

3) As part of its application, the State certified that it agreed to use funds available under the Community Services Block Grant:

- A) to provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community where poverty is a particularly acute problem;
- B) to provide activities designed to assist low-income participants including homeless individuals and families, migrants, and the elderly poor;

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 120

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES BLOCK GRANT PROGRAM

Section	Legislative Base
120.10	Purpose and Scope
120.20	Definitions
120.30	Allocation
120.40	Grant Application Requirements
120.50	Grantee Termination
120.55	Grantee Selection
120.60	Required Board Structure
120.70	Administrative Requirements
120.80	Nondiscrimination
120.90	Complaint Process
120.100	Program Types-Description
120.110	CSBG Loan Programs
120.115	Eligibility Requirements
120.120	Limitations On Use of CSBG Funds
120.130	Incorporation by Reference
120.140	

AUTHORITY: Implementing the Illinois Economic Opportunity Act [20 ILCS 625] and authorized by Section 46.42 of the Civil Administrative Code of Illinois [20 ILCS 605/46.42].

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983; amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 1692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937, effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. 779, effective January 4, 1989; amended at 13 Ill. Reg. 13562, effective August 11, 1989; amended at 13 Ill. Reg. 14026, effective August 28, 1989; amended at 14 Ill. Reg. 13970, effective August 20, 1990; amended at 15 Ill. Reg. 16945, effective November 12, 1991; amended at 16 Ill. Reg. 3078, effective February 14, 1992; amended at 20 Ill. Reg. 4611, effective FEB 28 1996.

Section 120.10 Legislative Base

- a) Federal
 - 1) On July 31, 1981, Congress passed the Omnibus Budget

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- i) to secure and retain meaningful employment;
 - ii) to attain an adequate education;
 - iii) to make better use of available income;
 - iv) to obtain and maintain adequate housing and a suitable living environment;
 - v) to obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing and employment-related assistance;
 - vi) to remove obstacles and solve problems which block the achievement of self sufficiency;
 - vii) to achieve greater participation in the affairs of the community; and
 - viii) to make more effective use of other programs related to the purposes of the Act;
- C) to provide on an emergency basis for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;
- D) to coordinate and establish linkages between governmental and other social services programs in order to assure the effective delivery of such services to low-income individuals; and
- E) to encourage the use of private sector entities of the community in efforts to ameliorate poverty in the community.

(Source: Amended at 20 Ill. Reg. 4611, effective Feb 2, 1983)

Section 120.40 Allocation

- a) General Allocation -- Under the conditions of the Community Services Block Grant, the State has agreed to disburse, for fiscal year 1982 only, not less than 90 percent of the funds allotted thereto for purposes described in Section 120.10 (of these rules) to eligible entities as defined in these rules or to organizations serving seasonal or migrant farmworkers; to disburse for fiscal year 1983, and for each subsequent fiscal year, not less than 90 percent of the funds allotted to the State in grants to eligible grantees as defined in Section 673 and 675 of the Act and in Section 120.60 or to organizations serving seasonal or migrant farmworkers; and to expend not more than 5 percent of its allotment for administrative expenses at the State level.

- b) Grantee Allocation for Calendar Year 1982 -- The State will disburse 90 percent of the CSBG program funds to existing Community Action Agencies by a formula based on the average of two amounts: one calculated on the basis of the previous federal fiscal year 1982

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- Community Services Administration funding and the other amount based on the Grantee's jurisdictional share of the State's poverty population.
- c) Grantee Allocation for Calendar Year 1983 and Beyond -- The State will allocate 90 percent of the CSBG program funds to eligible grantees who collectively represent all of Illinois' 102 counties and the City of Chicago. Ninety percent of this allocation will be based upon the Grantee's jurisdictional share of the State's poverty population. The remaining ten percent will be allocated in such a manner as to best enhance the CSBG program objectives, and will include consideration of agency performance evaluations and state program priorities. For such period as required by law, not less than 90% of the CSBG funds will be allotted to eligible entities as defined in these rules or to organizations serving seasonal or migrant farmworkers.
- d) CSBG Discretionary Funds -- The 5% non-earmarked or discretionary funds will be used to fund various types of low-income assistance projects. This includes but is not limited to the following:
- 1) provide training and technical assistance to those entities in need of such assistance and such activities will not be considered administrative expenses;
 - 2) coordinate state-operated programs and services targeted to low-income children and families with services provided by eligible entities funded under this Subtitle, including outposting appropriate State or local public employees into entities funded under this Subtitle to ensure increased access to services provided by such State or local agencies; and
 - 3) supporting statement coordination and communication among eligible entities. ~~This includes serving people in underserved parts of the state and projects to further improve employment prospects for low-income people in accordance with Section 651 of the Act.~~ Additionally, the discretionary funding will be used help to support continued training and technical assistance for grantees through and to support the Illinois Community Action Association. ~~Association of Community Action Agencies.~~

(Source: Amended at 20 Ill. Reg. 4611, effective Feb 2, 1983)

Section 120.50 Grant Application Requirements

- a) Preapplication Requirements
- 1) Applicants for "90% CSBG funding" as indicated in Section 120.40 will be required to meet certain requirements prior to submitting an application. These requirements are:
 - A) a properly structured and functioning tripartite board as indicated in Section 120.70; ~~new CSBG applicants may receive a 60-day extension to meet this requirement;~~
 - B) an undesignated (to any other corporate entity) basic central

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administrative capacity to receive, hold, expend or transfer and account for federal and state assistance funds, to procure facilities, goods and services, to enforce delegation agreements and procurement contracts and to accept, use and account for contributions from non-federal sources;

C)B an effective outreach/referral program;

D)B a continuing planning process and capability;

E)B a centralized fiscal management system; and

F)B an effective citizen participation/community involvement program.

- 2) Applications will not be processed nor grants awarded prior to the Department's review of the applicant's compliance performance in these five areas.

b) Application Requirements

In preparing its application for funding assistance under the CSBG program, the grant applicant is required to submit the following items:

- 1) Community Action Plan: Service-Area-Analysts Prior to the submission of an application for funding under the CSBG program, the applicant must submit a Community Action Plan Service-Area-Analysts which includes information identified in subsections (A) through (F) 1B. Subsequent to the Department's receipt of the Community Action Plan, Service-Area-Analysts a letter will be transmitted acknowledging receipt and prescribing corrective action for any inadequacies in identifying--the--strengths--and--weaknesses--of--the--plan. analysts.

A) Community Action Plan Narrative: Service-Area-Analysts ~~Narrative~~ The narrative is a reference summary for the major components of the Community Action Plan. Service-Area-Analysts Its purpose is to specify:

- i) the types of data collected;
- ii) research methods employed;
- iii) persons involved in the planning process and procedures; and--procedures--involved
- iv) criteria used to rank problems, determine problem causes, establish priorities, and select strategies;
- v) problems/priorities to be addressed; and
- vi) strategies selected for implementation.

B) Needs Assessment: This component compiles and analyzes quantitative and qualitative information regarding the area's poverty problems and needs (e.g., poverty population by sex, race, age; number of public housing units and occupancy by sex, race, age; welfare payment statistics by sex, race, and age). This section of the Community Action Plan must address the needs of the poverty community for food and nutrition.

C) Description of the Service Delivery System: This part

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identifies the service delivery systems in applicant's service area that is targeted toward low-income citizens and makes an analysis of the accessibility and effectiveness of those systems.

D) Description of Linkages: This component describes how linkages will be developed to fill identifiable gaps in services to the poverty community through information, referral, case management and follow-up.

E) Coordination: This section describes how funding under the CSBG Act will be coordinated with other resources and specifically who the coordination includes and how it will be accomplished.

F) Outcome Measures: This section describes the outcome measures to be used to evaluate the success of the applicant in promoting self-sufficiency, family stability and community revitalization.

G) Resource--Assessment--~~This--part--identifies--and--analyzes--available--public--and--private--resources--for--utilization--in--combating--the--area's--poverty--problems.~~

B) Strategic--Plan--~~The--Strategic--Plan--establishes--priorities--to--be--addressed--and--strategies--to--be--undertaken--in--the--attainment--of--the--area's--poverty--problems.~~

2) Affirmative Action Plan: The applicant agency must submit an affirmative action plan prior to its annual application for assistance. The affirmative action plan may follow such format as designed by the applicant, but must include information required by the Department.

3) Annual Work Program: The work program will narrate the objectives and activities proposed to be undertaken with grant funds. The work program will detail specific annual objectives including performance and outcome measures, the activities proposed to meet each objective, the agency responsible for carrying out the activity (if other than the grant recipient), and the costs to be incurred in carrying out the activities (including non-CSBG costs).

4) Annual Budget: The applicant shall submit a grant budget by cost categories, on the budget forms provided by the Department. As a result of problems with past audits, inexperience of the Department in dealing with the agency, lack of a cost allocation plan, or other related incidents, the Department may require that a complete annual budget be submitted which provides budget detail on all of the applicant's programs and sources of funding.

5) ~~Description--of--Program--Linkages:--The--grant--applicant--will--be--required--to--state--its--major--work--activities--which--impact--upon--programs--funded--by--CSBG--and--indicate--the--manner--in--which--the--programs--are--coordinated--within--the--agency--to--ensure--that--the--multiple--needs--of--the--poor--are--being--addressed.~~

6) ~~Statement--of--Coordination:--The--grant--applicant--will--be--required~~

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to-outline-its-program-of-coordination-with--other--agencies--and programs--of--the-community-that-impact-the-applicant's-programs. The-statement-shall-include-coordination-mechanisms--established by--the-applicant-and-its-interagency-agreements-or-contractual arrangements-used-to-support-coordinated-service-delivery.

5) Assurance and Certifications: The applicant will be required to assure compliance with cost and accounting standards of the Office of Management and Budget in addition to certifying as provided-in-the-Grant-Application--the-applicant-will-be-required to-certify its compliance with all applicable state and federal laws and regulations dealing with the receipt and expenditure of grant monies.

c) Application Schedule

At least 30 ~~thirty~~ 45 days before the beginning of its funding year: applicants must submit the Community Action Plan Service-Area Analysis, Comprehensive-Work-Plan, and Affirmative Action Plan, Annual Work Program, Annual Grant Budget, and supporting documentation to the Department.

(Source: Amended at 20 Ill. Reg. 4611 ~~4611~~ 1 ~~2~~, effective 1/1/81 ~~1/1/80~~)

Section 120.60 Grantee Selection

a) In areas of the State where the grantee's CSBG funding has been terminated in accordance with Section 120.55, the Department will initiate a process to select a successor agency in accordance with Sections 673 and 675 of the Act. The grantee selection process will be initiated in a timely manner (process to select successor agency as defined in this Section shall not exceed 120 days) so as not to cause undue program delays or interruptions.

1) The following are eligible for CSBG 90% funding:

- A) Any organization which was officially recognized as a Community Action agency (CAA) under the provisions of Section 210 of the Economic Opportunity Act of 1964 as amended, unless such organization lost its recognition as a result of failure to comply with the Act. (CAAs have a required minimum population base of 50,000+.)
- B) Any organization officially recognized as a CAA by the Governor, or his duly authorized representative, under the provisions of this Part and in accordance with the Illinois Economic Opportunity Act. Organizations eligible for State CAA recognition include:
 - i) Any non-profit private community organization serving a jurisdiction of at least 50,000 population, determined to be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and having a

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Board which meets the provisions outlined in Section 120.70 of these rules.

- ii) Any city within the State with a population in excess of 100,000 or a county or group of contiguous counties with a minimum population base of 50,000. The governmental unit must be capable of planning, conducting and administering a community services program under criteria described in Section 120.50 and must have an Administering Board in accordance with Section 120.70.

2) Notification and Special Solicitation

- A) The Department shall notify, in writing, each contiguous existing CSBG eligible entity and others within reasonable proximity (corporate headquarters of the eligible entity is within 50 miles of the boundary of the area to be served), that the area is presently unserved by the CSBG program, and the Department is seeking a successor agency. In its notification, the Department shall advise the agency to request, if interested, an application package in order to apply for CSBG service provision in the area to be served. The agency shall have 10 ~~ten~~ 15 days from date of notice to request the application package. The requests shall be directed to the Manager of the Division of Economic Opportunity.

- B) The Department will allow the requesting agency 15 ~~forty-five~~ 45 days from the date of mailing the application package, to complete the application and submit three copies to the Department. The Department will adhere to this forty-five day period, unless the agency which requested the application package communicates to the Department its lack of interest in applying.

- C) The Department will respond in writing indicating acceptance or rejection of any application from an existing eligible entity within 10 ~~ten~~ 15 days of receipt of the application.

- D) If the special solicitation period for the existing eligible entities produces no interest or no acceptable service delivery applications (applications did not meet the criteria specified in Sections 120.50 and 120.60(a)(3)), the Department will solicit applications from organizations within the service delivery areas as specified in subsections (a)(1)(B)(i) and (B)(ii) of this Section.

3) Application Contents

In addition to the requirements found in Section 120.50, the application for CSBG service delivery shall include the following:

- A) The applicant must demonstrate the support of the public, private and client sectors of the population in the service

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- delivery area (e.g., results of public hearings, letters of support).
- B) The applicant must obtain the formal designation (documented resolution) or intent to designate from the principal governing body(ies) in the service delivery area.
- C) The application must include detailed information on how the required community action agency board will be constituted (see Section 120.70). (For existing eligible entities applying for the new service delivery area, this information must specify how the representatives of the new area will become a part of the of the applicant's existing CSBG administering governing board.)
- D) The application must demonstrate how service delivery will be made available to all geographic areas of the service delivery area and how all elements of the area's eligible population will be reached ~~see Sections 120.50(b)(4) and 120.50(b)(5)~~.
- E) The applicant agency must supply the following information which describes its base and purpose:
- statement of the mission of the agency;
 - organizational chart of the agency; and
 - written assurances that the applicant agency is a legally established entity with authority to operate in the service area for which the application is being submitted.
- F) The applicant agency must supply the following information which describes agency experience:
- a history;
 - a description of past experience (if any) in providing services to the proposed target group (i.e., impoverished population); and
 - a description of services currently delivered by the agency which are related or complementary to this program.
- G) The applicant agency must provide the following information regarding its Equal Employment Opportunity/Affirmative Action Policies:
- written documentation which indicates compliance with equal opportunity and affirmative action regulations (Affirmative Action Plan, see Section 120.50(b)(2)); and
 - the applicant must supply a written statement as to whether the applicant has been party to any proceedings or litigation with regard to equal employment opportunity or affirmative action investigations or complaints conducted by or filed with the Illinois Department of Human Rights or the U.S. Equal Employment Opportunity Commission. If so,

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- a description of the nature of the investigation or complaint and the case resolution or anticipated date of resolution if such case is pending.
- 4) Application Format
The format for the application will be in accordance with Section 120.50(b)(1)(f) through (5)(f). Forms will be provided by the Department and will be a part of the application package provided to the applicant.
- 5) Evaluation of Applications
A) Applications must meet all the requirements of Sections 120.50 and 120.60(a)(3) to be placed in consideration for funding.
- B) The decision process will include an evaluation of the following agency attributes:
- ability to conduct multiple programs, with a variety of staff members and funding sources;
 - have traditionally served impoverished populations in their area (e.g., low-income minorities, youth, elderly, etc.);
 - have coordinated their programs with other area antipoverty programs;
 - have included the recipients of their services in agency decision-making (see Section 120.70(b)(1)(B));
 - the support of the local governments of the county(ies) which shall be evidenced through formal resolutions, letters of endorsement;
 - can demonstrate that they have effectively provided those services to their clients that are specified by the agency's mission (e.g., agency performance records);
 - provide the highest ratio between the amount of grant funds to be used for direct services and the amount to be used for administrative expenses (i.e., project low administrative costs);
 - propose multiple programs which emphasize the priorities of the Department (see Section 120.110);
 - address specific local needs (e.g., housing, education);
 - have well-defined outcome measures ~~developed~~ quantitative and quantitative goals and objectives that can be monitored and used to evaluate the success in promoting self-sufficiency, family stability, and community revitalization;
 - utilize CSBG funding to leverage other funds and services that will benefit the poor in the community; and
 - propose coordination with other human service programs.

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- C) Applications must address one or more of the program priorities described in Section 120.110, with the highest priority being placed on economic development programs which create jobs.
- D) The Department will give special consideration, in its selection, to agencies with prior experience in operating similar or other Department funded programs and with documented records of compliance with rules, regulations, and grant conditions relating to their program operation.
- E) The Department will conduct and give special consideration to the results of a public hearing wherein competing agencies are provided the opportunity to present their case for selection to the public in the area to be served by the program.
- F) The Department will consult with and take into account the recommendations of the principal governing body(ies) in the service delivery area.
- G) The final decision will be based upon the weight of the facts and recommendations found in subsections (a)(5) (A)-(F). The most effective, efficient and well coordinated program delivery system available will be selected.
- b) Interim Service Provision
- When the CSBG funding of an eligible entity is suspended, pending termination (in accordance with Section 120.55) and expected to undergo federal review, appeals, and/or litigation, the Department will, within 30 days of its decision to terminate funding, initiate the following steps to establish an interim provider..
- 1) First preference for interim service provision will be given to a fiscal/operating agreement with the Illinois Community Action Association (ICAA) ~~Illinois Association of Community Action Agencies--IACAAT~~. The Department will select another interim service mechanism only if the ICAA ~~IACAAT~~ declines or if agreement cannot be reached on the interim services contract.
 - 2) Establish the services for an interim period through a fiscal/operating agreement with:
 - A) a contiguous Community Action Agency, or
 - B) contracted services of a local public or not-for-profit agency with experience in human service delivery (e.g., Head Start Program, Food Commodity Program, and Women, Infants, Children (WIC) Program), or
 - C) directly provide the services.
- c) Discretionary Funding Eligibility
- CSBG discretionary funds may be awarded to entities other than those listed in this Part when it is determined by the Department to be in the best interest of the CSBG program and consistent with the Governor's CSBG assurances and Section 120.40(d) of this Part.

(Source: Amended at 20 Ill. Reg.

effective

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11-2)

Section 120.80 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation - The Grantee cannot be reimbursed for costs which exceed the total approved budget. If the Grantee believes its operation for the grant period will exceed a budgeted line item or cost category, it shall request approval of the Department in writing and give justification for the requested variation prior to exceeding any approved budget line item or cost category. However, Program Support and Client Assistance cost categories and all inclusive line items may vary up to 20% from the approved budget amount. In no event shall the Administration cost category be increased without prior written approval from the Department and the Special Category may only be increased. Budget line items within and between cost categories may be increased without prior approval by up to 20% when other line items of cost categories are reduced by corresponding monetary amounts in other categories. The administration category may only be reduced and the special category may only be increased. ~~Reduction and contraction of service line items may not be increased without prior approval.~~ The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.
- b) Unexpended Funds -- CSBG fund balance from the previous fiscal year will be, subject to written approval of the Department, carried into the grantee's succeeding fiscal year CSBG program. The carry-over funds will not reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.
- c) Reporting
 - 1) ~~An Expenditure Summary and Payment Request shall be submitted to the Department on or before the 15th calendar day of each month after the first month of the program year using forms provided by the Department.~~
 - 2) ~~A Quarterly Program Report shall be submitted to the Department by the 15th day following the end of each calendar quarter.~~
 - 1) Monthly Reports - an expenditure report shall be submitted to the Department at the time of each cash request, but no less frequently than the 15th calendar day of each month after the first month of this grant period. The report shall be in a format established by the Department and shall contain such financial information required by the Department.
 - 2) Quarterly Reports - A Quarterly Program Report, prepared in a form and manner prescribed by the Department, shall be submitted

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to the Department by the 15th day following the end of each calendar quarter.

2) The Grantee shall submit other programmatic reports as may be required by the Department.

d) Contractual Services - All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:

- 1) services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);
- 2) services are not duplicative of existing program services;
- 3) the Grantee assures the reasonableness of the costs for the services in accordance with applicable OMB circulars; and
- 4) services benefit low income participants in accordance with Section 120.10 460-66(b)(3)(B) of this Part.

e) Publication, Reproduction and Use of Material - Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."

f) Assurances - Grantees must comply with the provisions of Sections 675(c)(2)(B)(6) through (10) of the Act.

(Source: Amended at 20 Ill. Reg. 4611, effective 1-1-81)

Section 120.110 Program Types-Description

a) General Program Purposes -- The Grantee will use the Community Services Block Grant available through the State of Illinois for purposes as described under Section 675(e) of P.L. 97-35 (See State Administration of the Federal Community Services Block Grant Program (Section 120.10)).

b) Program Priorities -- The Department's priorities parallel those of the Act, and fall into the following categories:

- 1) Economic Development -- Reflecting the importance of a community's economic viability for the poor, the Department has placed its highest CSBG priority on job creating economic development programs which result in the employment and self-sufficiency of low-income persons. Each CAA designs and operates an individualized economic development program. Ten to fifteen percent of each CAA's annual CSBG funding is allocated for economic development/job creation activities. Most CAAs operate a loan program through which below market rate loans are made for business expansion and start-up which results in the

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hiring of low-income persons. the highest priority of the Illinois CSBG program is the establishment of economic development programs which create jobs. Program activities may include but are not limited to low interest loans to businesses establishing businesses as subsidiary or independent corporations, job counseling services and referral services working with the private sector to establish programs to employ low income and handicapped persons and linkages with employment and training programs. Grantee agencies must utilize at least ten to fifteen percent (10% - 15%) of their annual CSBG allocation for job creating economic development. If the Grantee commits to the CSBG loan program, the ten percent (10%) amount is acceptable. If the Grantee chooses another job creating activity enumerated in this subsection, the minimum commitment is fifteen percent (15%).

2) Education -- Recognizing the importance of education in breaking the cycle of poverty, priority is given to education programs which are designed to increase the capability of the poor to function productively in society. A broad spectrum of educational assistance is provided through the CSBG program. Specific examples include: workplace orientation, vocational skills training, family planning education, cultural opportunities for disadvantaged children, energy conservation education, post-secondary education scholarships, GED assistance for high school dropouts, adult and youth literacy training and nutrition education for single parents and the elderly. Examples of activities in this regard include the provision of scholarships, the administration of General Education Diploma (GED) programs, vocational education courses and consumer education programs.

3) Income Management -- Emergency assistance -- Recognizing that crisis situations generally threaten frequently occurring within the low income population, priority is given to programs that intervene for purposes of alleviating the crisis situation. Examples of activities in this regard include but are not limited to services that provide shelter, food, clothing, utility, medical assistance, and transportation to poverty level individuals. Counseling and instructing low income individuals and families in the management of their income is an acceptable program activity. This could take the form of addressing consumer education issues, assistance in preparation of federal and state income tax reports, and the provision of workshops on income savings measures. Many CAAs offer programs to encourage better use of available income. A majority of this assistance is in the form of family budget counseling. Information also is provided through workshops or brochures on such topics as financial management, credit, income taxes and Social Security.

4) Housing -- The primary housing activities include aid to renters seeking a residence, landlord/tenant rights education and

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arbitration, information about purchasing/financing a home, packaging housing and housing rehabilitation loans and providing for minor energy efficiency or health and safety related home repair. These activities may be linked with other housing related assistance in the community, such as the Energy Assistance and Weatherization programs. Priority is given to programs designed to help the poor obtain and maintain housing. Activities under the overall housing program may include referral services, tenant counseling, packaging of loan applications, low cost energy related repair of homes, these activities may be linked with other housing related assistance in the community such as the Energy Assistance and Weatherization programs.

- 5) Emergency Assistance -- Recognizing that crisis situations (generally life threatening) frequently occur within the low income population, priority is given to programs that intervene for purposes of alleviating the crisis situation. Most CAAs maintain clothes closets and food pantries, many of them in conjunction with other community groups and local churches. Some agencies provide redeemable vouchers or grants to clients that enable them to meet immediate and urgent family needs such as health services, nutritious food, housing, employment-related assistance, day care, medical services and transportation. Income Management --- Counseling and instructing low-income individuals and families in the management of their income is an acceptable program activity. This could take the form of addressing consumer education issues, assistance in preparation of federal and state income tax reports, and the provision of workshops on income savings measures.

- 6) Nutrition -- Poor nutrition and/or lack of proper diet are often synonymous with the effects of poverty. Activities designed to increase eligible clients' awareness of proper diet and food preparation is a concern to the total community. CSBG funding is a primary resource for leveraging and providing nutritional assistance. Typical programs include: federal surplus food distribution, community gardening projects, food banks, senior citizen and youth feeding projects, Christmas food packages and assistance in accessing food stamps, WIC and other nutrition-related programs. These activities may include the storing and distribution of surplus United States Department of Agriculture (USDA) agricultural commodities; preparation and service of hot meals; food baskets; and programs designed to prevent malnutrition.

- 7) Linkages -- CSBG funding regularly supports extensive outreach, information and referral services, transportation services, youth recreation and self-sufficiency programs for low-income citizens. Other program areas --- An assessment of local poverty population needs may determine other priority areas. These could include but are not limited to family and individual counseling programs,

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transportation projects, projects to assist the elderly, poor, summer youth recreation programs, and joint anti-poverty ventures with the private or public sectors. A joint anti-poverty venture with the public or private sector is a project which is financed with grant funds and other public or private sector funding.

- 8) Self-Sufficiency -- Many CAAs provide for comprehensive family case management programs that promote, empower and nurture family members toward self-sufficiency.

9) Health -- CAAs provide many health related activities in the form of transportation to medical services, medical/dental screening, immunization, drug and alcohol abuse prevention and other services which promote good health.

(Source: Amended at 20 Ill. Reg. 4611 effective FD 2 8 88)

Section 120.115 CSBG Loan Programs

a) Loan Types

- 1) Fixed Rate Financing Fund Loan
- A) CSBG funds are loaned through grantees to an Illinois business in a separate but companion agreement to a conventional loan.
- B) The combined loans must exceed \$75,000.
- C) The CSBG loan represents no less than ten percent (10%) and no more than twenty percent (20%) of the total loan package (combined borrowing and equity).
- D) The conventional loan is obtained from a licensed Illinois lending institution. The Small Business Administration guarantees up to 90% of the private lending institution's loan through its 7(a) Guaranteed Loan Program (15-UG-67-6364). The lending institution may set the guarantee called a "guaranteed interest certificate" into the secondary money market at a fixed interest rate that is one-half to one percent above Treasury bonds of the same maturity.
- E) The CSBG loan term may not exceed 10 years.
- F) CSBG loan interest rate (fixed flexible option)
- 1) The CSBG loan shall have a fixed interest rate of no more than five percent (5%), or
- 2) At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed one-half (1/2) of the prime interest rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one-year period. Thirty (30) days before the annual anniversary date of the loan, the grantee shall notify the borrower of the

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interest-rate-to-be-charged-for-the-next-year--based on--1/2--of--prime--at--date-of--notice--the-annual interest-rate-under-this-flexible-option--shall--never exceed--the--original--interest-rate--(ceiling)--and--the Grantee may set a minimum--(floor)--interest--rate--of five-percent--(5%)--or--less--for--the--duration--of--the loan.

6) ~~the-conventional-and-CSBG-loan-closings-must-be-within-60 days-of-each-other.~~

a) ~~2~~ CSBG Revolving Loan

1) ~~A~~ CSBG funds are loaned through Grantees to an Illinois business in a separate but companion agreement to a conventional loan.

2) ~~B~~ The CSBG loan represents no more than ~~forty-nine-percent~~ ~~49%~~ of the total loan package (combined borrowing and equity).

3) ~~E~~ The conventional loan is obtained from a licensed Illinois lending institution.

4) ~~B~~ The CSBG loan term may not exceed 10 years but may be for a shorter term at the discretion of the Grantee.

5) ~~B~~ CSBG Loan interest rate (Fixed-Flexible option)

A) ~~1~~ The CSBG loan shall have a fixed interest rate of no more than ~~5% five-percent~~ ~~(5%)~~; or

B) ~~1~~ At the grantee's option, the interest rate to the borrower may be set at loan inception at a rate not to exceed ~~1/2 one-half~~ ~~(1 1/2)~~ of the Prime Interest Rate (National Prime Rate as shown on that date in the Wall Street Journal). This calculated rate shall become the loan's fixed interest rate for a one year period. Thirty ~~30~~ days before the annual anniversary date of the loan, the Grantee shall notify the borrower of the interest rate to be charged for the next year (based on 1/2 of Prime at date of notice). The annual interest rate under this flexible option shall never exceed the original interest rate (ceiling) and the Grantee may set a minimum (floor) interest rate of ~~5% five-percent~~ ~~(5%)~~ or less for the duration of the loan.

6) ~~P~~ The CSBG financing must be committed prior to the closing of other financing. ~~the-conventional-and-CSBG-loan-closings-must-be within-60-days-of-each-other.~~

b) Hiring and Job Retention

1) Establishing a Pre-Loan Base Number of Employees -- The Grantee shall have the right to review the borrower's employment verification records at the time of the loan closing to establish the pre-loan employment level in order to assure that no personnel cuts were made by the business in anticipation of the pending loan and its hiring requirements.

2) Hiring Requirements

A) Businesses accepting CSBG loan funds must hire at least one new full-time equivalency (minimum 37 1/2 hour work week,

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averaged annually) CSBG eligible (in accordance with Section 120.120) employee for each \$10,000 \$7,500 or any portion thereof of CSBG monies borrowed

Minimum

Example: \$1-\$10,000 7,500

\$10,001-\$20,000 7,500

\$20,001-\$30,000 15,000

\$30,001-\$40,000 22,500

\$40,001-\$50,000 30,000

\$50,001-\$60,000 37,500

\$60,001-\$70,000 45,000

\$70,001-\$80,000 52,500

\$80,001-\$90,000 60,000

\$90,001-\$100,000 67,500

\$100,001-\$110,000 75,000

\$110,001-\$120,000 82,500

\$120,001-\$130,000 90,000

\$130,001-\$140,000 97,500

\$140,001-\$150,000 105,000

\$150,001-\$160,000 112,500

\$160,001-\$170,000 120,000

\$170,001-\$180,000 127,500

\$180,001-\$190,000 135,000

\$190,001-\$200,000 142,500

\$200,001-\$210,000 150,000

\$210,001-\$220,000 157,500

\$220,001-\$230,000 165,000

\$230,001-\$240,000 172,500

\$240,001-\$250,000 180,000

\$250,001-\$260,000 187,500

\$260,001-\$270,000 195,000

\$270,001-\$280,000 202,500

\$280,001-\$290,000 210,000

\$290,001-\$300,000 217,500

\$300,001-\$310,000 225,000

\$310,001-\$320,000 232,500

\$320,001-\$330,000 240,000

\$330,001-\$340,000 247,500

\$340,001-\$350,000 255,000

\$350,001-\$360,000 262,500

\$360,001-\$370,000 270,000

\$370,001-\$380,000 277,500

\$380,001-\$390,000 285,000

\$390,001-\$400,000 292,500

\$400,001-\$410,000 300,000

\$410,001-\$420,000 307,500

\$420,001-\$430,000 315,000

\$430,001-\$440,000 322,500

\$440,001-\$450,000 330,000

\$450,001-\$460,000 337,500

\$460,001-\$470,000 345,000

\$470,001-\$480,000 352,500

\$480,001-\$490,000 360,000

\$490,001-\$500,000 367,500

\$500,001-\$510,000 375,000

\$510,001-\$520,000 382,500

\$520,001-\$530,000 390,000

\$530,001-\$540,000 397,500

\$540,001-\$550,000 405,000

\$550,001-\$560,000 412,500

\$560,001-\$570,000 420,000

\$570,001-\$580,000 427,500

\$580,001-\$590,000 435,000

\$590,001-\$600,000 442,500

\$600,001-\$610,000 450,000

\$610,001-\$620,000 457,500

\$620,001-\$630,000 465,000

\$630,001-\$640,000 472,500

\$640,001-\$650,000 480,000

\$650,001-\$660,000 487,500

\$660,001-\$670,000 495,000

\$670,001-\$680,000 502,500

\$680,001-\$690,000 510,000

\$690,001-\$700,000 517,500

\$700,001-\$710,000 525,000

\$710,001-\$720,000 532,500

\$720,001-\$730,000 540,000

\$730,001-\$740,000 547,500

\$740,001-\$750,000 555,000

\$750,001-\$760,000 562,500

\$760,001-\$770,000 570,000

\$770,001-\$780,000 577,500

\$780,001-\$790,000 585,000

\$790,001-\$800,000 592,500

\$800,001-\$810,000 600,000

\$810,001-\$820,000 607,500

\$820,001-\$830,000 615,000

\$830,001-\$840,000 622,500

\$840,001-\$850,000 630,000

\$850,001-\$860,000 637,500

\$860,001-\$870,000 645,000

\$870,001-\$880,000 652,500

\$880,001-\$890,000 660,000

\$890,001-\$900,000 667,500

\$900,001-\$910,000 675,000

\$910,001-\$920,000 682,500

\$920,001-\$930,000 690,000

\$930,001-\$940,000 697,500

\$940,001-\$950,000 705,000

\$950,001-\$960,000 712,500

\$960,001-\$970,000 720,000

\$970,001-\$980,000 727,500

\$980,001-\$990,000 735,000

\$990,001-\$1,000,000 742,500

\$1,000,001-\$1,010,000 750,000

\$1,010,001-\$1,020,000 757,500

\$1,020,001-\$1,030,000 765,000

\$1,030,001-\$1,040,000 772,500

\$1,040,001-\$1,050,000 780,000

\$1,050,001-\$1,060,000 787,500

\$1,060,001-\$1,070,000 795,000

\$1,070,001-\$1,080,000 802,500

\$1,080,001-\$1,090,000 810,000

\$1,090,001-\$1,100,000 817,500

\$1,100,001-\$1,110,000 825,000

\$1,110,001-\$1,120,000 832,500

\$1,120,001-\$1,130,000 840,000

\$1,130,001-\$1,140,000 847,500

\$1,140,001-\$1,150,000 855,000

\$1,150,001-\$1,160,000 862,500

\$1,160,001-\$1,170,000 870,000

\$1,170,001-\$1,180,000 877,500

\$1,180,001-\$1,190,000 885,000

\$1,190,001-\$1,200,000 892,500

\$1,200,001-\$1,210,000 900,000

\$1,210,001-\$1,220,000 907,500

\$1,220,001-\$1,230,000 915,000

\$1,230,001-\$1,240,000 922,500

\$1,240,001-\$1,250,000 930,000

\$1,250,001-\$1,260,000 937,500

\$1,260,001-\$1,270,000 945,000

\$1,270,001-\$1,280,000 952,500

\$1,280,001-\$1,290,000 960,000

\$1,290,001-\$1,300,000 967,500

\$1,300,001-\$1,310,000 975,000

\$1,310,001-\$1,320,000 982,500

\$1,320,001-\$1,330,000 990,000

\$1,330,001-\$1,340,000 997,500

\$1,340,001-\$1,350,000 1,005,000

\$1,350,001-\$1,360,000 1,012,500

\$1,360,001-\$1,370,000 1,020,000

\$1,370,001-\$1,380,000 1,027,500

\$1,380,001-\$1,390,000 1,035,000

\$1,390,001-\$1,400,000 1,042,500

\$1,400,001-\$1,410,000 1,050,000

\$1,410,001-\$1,420,000 1,057,500

\$1,420,001-\$1,430,000 1,065,000

\$1,430,001-\$1,440,000 1,072,500

\$1,440,001-\$1,450,000 1,080,000

\$1,450,001-\$1,460,000 1,087,500

\$1,460,001-\$1,470,000 1,095,000

\$1,470,001-\$1,480,000 1,102,500

\$1,480,001-\$1,490,000 1,110,000

\$1,490,001-\$1,500,000 1,117,500

\$1,500,001-\$1,510,000 1,125,000

\$1,510,001-\$1,520,000 1,132,500

\$1,520,001-\$1,530,000 1,140,000

\$1,530,001-\$1,540,000 1,147,500

\$1,540,001-\$1,550,000 1,155,000

\$1,550,001-\$1,560,000 1,162,500

\$1,560,001-\$1,570,000 1,170,000

\$1,570,001-\$1,580,000 1,177,500

\$1,580,001-\$1,590,000 1,185,000

\$1,590,001-\$1,600,000 1,192,500

\$1,600,001-\$1,610,000 1,200,000

\$1,610,001-\$1,620,000 1,207,500

\$1,620,001-\$1,630,000 1,215,000

\$1,630,001-\$1,640,000 1,222,500

\$1,640,001-\$1,650,000 1,230,000

\$1,650,001-\$1,660,000 1,237,500

\$1,660,001-\$1,670,000 1,245,000

\$1,670,001-\$1,680,000 1,252,500

\$1,680,001-\$1,690,000 1,260,000

\$1,690,001-\$1,700,000 1,267,500

\$1,700,001-\$1,710,000 1,275,000

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Section ~~four~~.

d) Loan Security

Provisions (collateral) shall be made for first position on loan security. If first position is impossible because of the primary lender's claims, the Grantee should negotiate shared position with the private lender. Subordinate position for loan security should be the CSBG lender's ~~last~~ ^{first} resort. Loan agreements shall contain precise listings and assignment of collateral established as security for the loan.

e) Loan Contract Provisions

Each Grantee's loan contract with a borrower shall clearly, and in detail, specify the following:

- 1) Employment Plan (consisting of mechanism to assure GSBG client eligibility, timeframes, job descriptions);
- 2) Payment Schedule;
- 3) Interest Rate Charged;
- 4) Late Payment Penalty Provision (optional);
- 5) Default Provisions.

A) Events of Default:

- i) Payment Default: the Department shall consider a loan to be in default when payment arrearage reaches 90 days. Grantees may place more restrictive payment arrearage provisions in their loan contracts.
- ii) Hiring Default: a loan shall be considered in default when the hiring provisions specified in this Part and in the loan agreement contract have not been met.

B) Default Remedies:

- i) Payment Default: the loan will be called or renegotiated (loan renegotiation approval must be requested of the Department and will be approved when the Grantee's written request states that the renegotiation is the only practical means of loan recovery and/or will prevent bankruptcy and/or will prevent a loss of jobs to the local area).
- ii) Hiring Default: an interest acceleration clause shall be a part of each loan contract. At a minimum the clause shall provide that after notice by the Grantee to the borrower that the hiring provisions have not been met, the interest rate for the loan will increase to the National Prime Rate as shown in the Wall Street Journal on date of notice. Such increased rate shall remain in effect until hiring deficiencies have been corrected or the loan is called. No less than one-half of the proceeds from the interest penalty shall be treated as repaid principal. (The Department will allow a one-time waiver per loan to the interest acceleration provision when the Grantee, in writing, shows that such acceleration will cause borrower

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bankruptcy and further loss of jobs and submits a proposed renegotiated hiring schedule that meets the CSBG job creation and hiring requirements through no more than a 24 month extension.) The Department will allow other equally punitive hiring noncompliance interdictions in grantees' loan contracts in lieu of the interest acceleration penalty. Such other interdictions may include (but are not limited to) fines, partial loan recall and pre-scheduled interim balloon payments:

- 6) Loan Security Provision (The Grantee shall perfect the loan security. For example: hold title to vehicles; secure a mortgage on pledged real property; require Uniform Commercial Code (U.C.C.) [810 ILCS 5] ~~title~~ ^{title} ~~Rev-Stat-1997-ch-267-par-1-101~~ ^{et-seq} filing for pledged equipment, fixtures and inventory.);
- 7) Collateral Descriptions;
- 8) Prepayment Provisions (optional);
- 9) Hiring Schedule;
- 10) Use of Loan (Machinery, Working Capital, Equipment);
- 11) Hiring Noncompliance Penalty ~~to be determined~~;
- 12) Other documentation necessary to assure compliance (e.g., hiring reports); and
- 13) Primary lender - amount ~~term~~ ^{interest} ~~collateral~~.

f) Loan Payment Provisions

- 1) The interest rate for the CSBG loan shall have a fixed rate not to exceed 5% or an annually adjusted rate as specified in subsection (a)(2)(B) of this Section.

2) Payment Schedules

- A) Payments shall include principal and interest calculated in accordance with standard loan tables.
- B) Loan payments shall not be deferred.
- C) Grantees, through their individual loan agreements, shall impose a late payment penalty of not less than 5% ~~five~~ ^{percent} ~~of~~ ^{of} any monthly installment not received from the borrower within 15 ~~thirteen~~ ^{fifteen} days after the installment is due.

g) Micro-Loan Provisions

The Department has established, within the CSBG Loan Program, a Micro-Loan Program. This program is designed to enable Grantees to assist entrepreneurs in establishing and expanding business ventures. It provides for up to 100 percent CSBG lending, makes less demand for collateral, and gives lending discretion to Grantees. To operate a CSBG Micro-Loan Program, a Grantee must have "preferred lender" status, approved loan criteria and an approved lending process.

1) Preferred Lender

To obtain preferred lender status, the Grantee must establish and maintain a loan review committee, with a minimum of 3 members who represent the financial and economic development professions and

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should include the legal profession. In lieu of legal profession membership, the Grantee must include in their micro-loan procedures a provision for legal review of loans. The committee may be attached to the Grantee's CSBG Board. The Department will, upon receipt of documentation, formally recognize preferred lender status.

2) Micro-Loan Criteria

A) Businesses eligible for micro-loans may be a proprietorship, partnership or corporation with no more than 5 employees. If proprietors, eligible borrowers must own all business assets; if partners or corporations, eligible borrowers must own more than 50 percent of the business assets.

B) Eligible borrowers must agree to create and fill a minimum of one job for a CSBG eligible client for the micro-loan lending. The job creation may include the borrower if he/she is CSBG eligible and will gain full-time employment through the borrowing.

C) The business must be located in the CSBG jurisdiction of the Grantee, and the borrowers must demonstrate that they cannot access the funds from other sources.

D) Maximum lending is \$15,000 and may be entirely CSBG funded.

E) Recaptured principal will be used for all micro lending. (Exceptions to this provision must be requested in writing and approved in writing by the DCCA/CSBG Loan Program Coordinator.)

F) The interest rate may not exceed 5 percent and may be adjusted at the discretion of the Grantee as long as it never exceeds 5 percent.

G) Loan collateral is at the discretion of the Grantee.

H) The term of the loan may not exceed 5 years.

I) A hiring schedule must be a part of each micro-loan agreement. The required hiring must be completed within the first 12 months of the loan.

J) Funds loaned may be used to purchase machinery, equipment and inventory, to provide working capital and to purchase or improve real property.

3) Micro-Loan Forms and Procedures

The Grantee must establish and maintain DCCA approved loan application forms, loan agreements, loan applicant requirements and screening process, loan review process and loan monitoring procedures.

4) Micro-Loan Administration

A) Since the Grantee must be a "preferred lender" in order to participate in the program, final decisions for lending are at the Grantee level.

B) Recaptured principal disbursed for micro-loans must be so noted in accounting records at the time of fund transfer.

C) Monitoring will be conducted by the Grantee.

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D) Reporting will be on one line of the CSBG Quarterly Loan Program Status Report (Hiring and Financial), and the lending will be included in Recaptured Loans on the Reconciliation Form.

E) The file for a micro-loan shall consist of:

- i) the application;
- ii) committee approval;
- iii) the loan agreement/contract;
- iv) amortization schedule;
- v) hiring schedule;
- vi) monitoring information; and
- vii) CSBG Loan Project Fact Sheet.

F) The micro-loan repaid principal must be maintained in the same account as all other CSBG Loan Program repaid principal.

H) Loan Approval Process for Loans Under Current Grants

1) All Grantee CSBG funded loans must be submitted to the Department for approval. The Department's review and determination to approve or disapprove the loan will be given in writing within 20 twenty-20 working days of receipt of a complete set of the loan documents. (Loans submitted for approval after November 15 run the risk of not being processed by the December 31 cut-off due to insufficient time to complete the review. Loans approved after the December 31 date will be obligated against new program funds effective January 1, 1991--any--calendar--year--may--take--up--to--forty-five--45--working--days--for--approval--7

2) The loan application documents to be submitted and upon which the decision of the Department will be based, consist of:

A) The loan agreement containing all provisions in compliance with this Part.

B) Application documents:

- i) History of the Company - a brief history of the business and past employment growth.
- ii) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
- iii) Corporate Financial Statements - historical corporate financial statements for the past three years and interim statements dated no more than ninety days prior to application including: Profit and Loss Statements, Balance Sheets, Cash Flow Statements, and Disclosure of Contingent Liabilities.

iv) Three Year Projections - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.

v) Description of Inventory - a list of inventory to be purchased using CSBG funds. Include as much detail as possible.

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Place.k)++ Loan Fund Recovery/Re-Use/Disposition/Reversionary Right

1) Recovery

The repaid loan principal is considered by the Department to be a Community Services Block Grant-related asset, held in trust by the Grantee. The Grantee must place the repaid loan principal in a corporate revolving loan account to continue business assistance efforts in compliance with this Part. This continuation requirement shall be perpetually binding on the Grantee, its successors and assignees until such time as the Department formally negotiates with the agency other CSBG related uses for the recovered loan principal. The interest earned on the CSBG supported business loans is not required to be a part of the perpetuation of the loan program nor subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705] (~~+++Rev---Stat---989---ch---127---pars---230t-et-seq---~~) and may be used for any corporate purpose.

2) Re-Use

Recaptured principal amounts will be reported quarterly to the Department. The Grantee shall actively pursue new business start up or expansion loan opportunities for the recaptured principal (written record of loan attempt activity). When it is found by the Department that recaptured principal has accrued to either \$40,000 or ~~50% thirty-three percent (33%)~~ of the annual repaid principal amounts (from the previous calendar year excluding any balloon payments), whichever is greater, the excess of these limits will ~~shall~~ be declared to be lapsed principal. If the Grantee does not reduce by at least 25 percent, through lending, the allowable held principal for two successive years, the allowable repaid principal to be held will be reduced by \$10,000 at the end of the second year and further decreased by \$10,000 at the end of each succeeding year in which there is inadequate repaid principal lending. With 30 days written notice from the Department, in the following calendar year all ~~At~~ interest earned on lapsed principal during the year and the excess principal held by the Grantee at the end of the calendar year will ~~shall~~ be payable to the Department's ~~Department--or--its~~ designee, Illinois Ventures for Community Action, Inc., or as an alternative the Grantee will take a deobligation of their current CSBG funding, replacing the deobligated amount with the funds identified as lapsed principal and interest. ~~twth-thirty-days written-notice-by-the-end-of-February-in-the-following-calendar year-~~

3) Disposition

The Grantee may not sell, transfer or in any way dispose of the CSBG funded loans without DCCA's written approval.

4) Reversionary Right

If in-the-event-of Grantee funding terminates termination--of

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funding (as specified in Section 120.55 of this Part) the Grantee's repaid principal loan fund balance and all current loans shall revert to the Department for transfer to the successor (Section 120.60 of this Part) agency.

5) Loan Settlement

In the event of a loan settlement due to bankruptcy or other closing, the cash settlement shall be applied 100% to principal after expenses are paid. Expenses are defined as unplanned costs incurred as a result of the closing/bankruptcy (i.e., storage or attorney) and are not covered by the CSBG grant or earned interest.

1)++ Reporting/Monitoring/Recordkeeping

1) The grantee agency is responsible for monitoring the following provisions of each CSBG supported loan (including loans made with repaid recaptured loan principal):

- A) hiring schedule compliance including CSBG eligibility verification;
- B) replacement of employees;
- C) use of loan monies; and
- D) loan repayment.

2) loans--made--with--recovered-loan-principal--will--be-monitored--and--reported--in--the--same--manner--as--initial--CSBG--fund--loans- The grantee agency monitoring must be completed prior to the Department's quarterly CSBG reporting requirement dates (1/15, 4/15, 7/15 and 10/15). The CSBG quarterly reports from the grantee agency will include a completed Quarterly Fund Hiring/Payback status report which provides the following information:

- A) agency name and address, reporting period, and contact person;
- B) a list of closed projects;
- C) total number of jobs created using CSBG dollars;
- D) total number of jobs retained using CSBG dollars;
- E) timetable for hiring (number to be hired by month, day, and year);
- F) total number of jobs filled to date (excluding terminations);
- G) number of CSBG persons hired who are female or minority employees;
- H) comments regarding the projects (terminations are to be noted here);
- I) loans totally repaid (name and amount of principal);
- J) loans presently being repaid (name, monthly principal, and principal to date);
- K) total principal repaid to date on all loans;
- L) balance of funds in recaptured account;
- M) loans made from recaptured funds (business name and CSBG dollar amount); and

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- N) loans delinquent in payback (business name, total amount delinquent, how long delinquent).
- 3) The grantee agency must maintain loan program data (e.g., bank statements, copies of W-4's) to verify information reported quarterly to the Department.
- 4) The Department's program monitoring and annual auditing will include verification of the Grantee's report on the status of each consummated loan.

(Source: Amended at 20 Ill. Reg. 4611, effective FEB 25 1996)

Section 120.130 Limitations On Use of CSBG Funds

CSBG funds shall not be used by the State or its Grantees for the purchase or improvement of land or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility. The U.S. Department of Health and Human Services may waive this limitation upon the State's request for such a waiver if the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the State's ability to carry out the purposes of this Act.

(Source: Amended at 20 Ill. Reg. 4611, effective FEB 25 1996)

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- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 810
- 3) Section Numbers: Adopted Action:
810.37 Amendments
810.45 Amendments
810.60 Amendments
810.70 Amendments
810.80 Amendments
810.90 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code (515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5)

- 5) Effective Date of Rulemaking: March 6, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: March 6, 1996

- 9) Notice of Proposal Published in Illinois Register: December 15, 1995, 19 Ill. Reg. 16344

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

In Section 810.45, Grayslake, the comma following "Ponds" was deleted.

In Section 810.45, Powerton Lake, the period following "season" was deleted.

In Section 810.45, Tremont Pond was deleted.

In Section 810.45(c)(2)(E), a semi-colon was added following "Recruitment."

In Section 810.45(c)(3), a period was added following "conflicts."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR: Yes

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- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: References to Department of Conservation were updated to Department of Natural Resources. Additional amendment include adding additional definitions, making amendments to individual site specific fishing regulations, and updating the "1996 Free Fishing" dates.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
(217) 782-1809

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES **CONSERVATION**
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section	
810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,

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effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 526, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective

March 6, 1996

Section 810.37 Definitions for Site Specific Sportfishing Regulations

a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the county(ies) listed. The county(ies) listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.

b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.

- 1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold.
- 2) Includes white, black, or hybrid crapple, singly or in the aggregate.
- 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.

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- 4) Except that sport fishermen shall be allowed to use trotlines and jugs, and except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.
- 5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
- 6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.
- 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
- 8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.
- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which it came.
- 10) It shall be illegal to process trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) which were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.
- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 - A) Largemouth or Smallmouth Bass
 - B) Walleye, Sauger, or their hybrid
 - C) Bluegill or Redear Sunfish

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- 15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.
- 18) Except that sport fishermen shall be allowed to use trout lines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.
- 19) No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or -managed sites.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), Lake Shelbyville Project Ponds and Woods Lake, U.S. Army Corps of Engineers, Shelby and Moultrie Counties.
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties.
- 23) Lake Vermillion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County.
- 24) 10 Fish Daily Creel Limit of which no more than 6 may be walleye.
- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.
- 26) Lake Vermillion - Trot line and jug finishing allowed north of Boiling Springs Road.
- 27) Except that bank fishing is prohibited. Boat fishing is permitted from the next to last Saturday in April until the second Sunday in October, during the hours of 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 8:00 p.m.
- 28) Except that trotlines may be set within 300 feet from shore.
- 29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.
- 31) Daily catch limit for largemouth or smallmouth bass, singly or in

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- the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.
- 32) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.
- 33) It shall be unlawful to enter upon a designated waterfowl hunting area during the 7 days prior to the waterfowl season, or to fish on such areas during the regular waterfowl season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular waterfowl season through the end of waterfowl season.
- 34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1 through August 31.
- 35) Daily catch limit for Walleye, Sauger, or Hybrid Walleye, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.
- 36) Except that sportfishermen may not use a minnow seine for bait collecting in Cook County Forest Preserve District Waters (except in the Des Plaines River).

(Source: Amended, at 20 Ill. Reg. 4640, effective 1996)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Lincoln
Logan County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

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- All Fish
Channel Catfish
- Apple River
Jo Daviess County
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)
- Apple River (within the boundaries of Apple River Canyon State Park)
Jo Daviess County
- All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Argyle Lake, Argyle Lake State Park
McDonough County
- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish more than 15" and/or 5 less than 12" Daily (12)
- Fall Closed Season (10)
- 14" Minimum Length Limit
- Trout
Walleye, Sauger or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Ashland City Reservoir, City of Ashland
Cass County
- All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Ashley Reservoir, City of Ashley
Washington County
- All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length
- Auburn Park Lagoon, Chicago Park District
Cook County
- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Axehead Lake, Cook County Forest Preserve

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- Cook County
- All Fish
- Large or Smallmouth Bass
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
(36)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Baker Lake, City of Peru
LaSalle County
- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Baldwin Lake, Baldwin Lake Conservation Area
Randolph County
- All Fish
- Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)(5)
- 18" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- Banana Lake, Lake County Forest Preserve District
Lake County
- All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
Peoria/Fulton Counties
- All Fish
- Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
- 2 Pole and Line Fishing Only (1)(34) †7†
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

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- Crappie (15)
 White, Black, or Hybrid
 Crappie

Batchtown Wildlife Management Area (33)
 Calhoun County

Baumann Park Lake, City of Cherry
 Valley

- Winnebago County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

- Wabash County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Trout
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Fall Closed Season (10)

Beaver Dam Lake, Beaver Dam State Park
 Macoupin County

- All Fish
 Bluegill or Redear Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Trout
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Fall Closed Season (10)
- 10 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Beck Lake, Cook County Forest Preserve District
 Cook County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Walleye, Sauger, or Hybrid
 Walleye
- 2 Pole and Line Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit

Belleau Lake, Cook County Forest Preserve District
 Cook County

- All Fish
 Large or Smallmouth Bass
- 2 Pole and Line Fishing Only ~~†††~~ (36)
 - 14" Minimum Length Limit

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- Trout
 Trout
- Fall Closed Season (10)
 - Spring Closed Season (11)

Bevier Lagoon, Waukegan Park District
 Lake County

- All Fish
 Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Bird Park Quarry, City of Kankakee
 Kankakee County

- Trout
 Trout
- Fall Closed Season (10)
 - Spring Closed Season (11)

Bowen Lake, City of Washington

- Tazewell County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Borah Lake, City of Olney

- Richland County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Boston Pond, Stephen A. Forbes State Park
 Marion County

- Trout
 Trout
- Fall Closed Season (10)
 - Spring Closed Season (11)

Braidwood-Mazonia Lakes and Ponds, Mazonia-Braidwood State Fish and Wildlife Area (33)

Grundy/Will County
 (Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)
 All Fish

- Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 Walleye, Sauger, or Hybrid
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit

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- Walleye
White, Black, or Hybrid
Crappie (15)
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- Breeze JC's Park Pond, City of Breeze
Clinton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Buckner City Reservoir, City of Buckner
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Bunker Hill Lake, City of Bunker Hill
Macoupin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Burrells Wood Park Pond
White County
Channel Catfish
- 6 Fish Daily Creel Limit
- Busse Lake, Cook County Forest Preserve
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 18" Minimum Length Limit
- Cache River State Natural Area (19)
Pulaski/Johnson Counties
Calhoun Point Wildlife Management Area (33)
Calhoun County
Calumet River
Cook County
Yellow Perch
Yellow Perch
- 25 Fish Daily Creel Limit
- Closed During June
- Campbell Pond Wildlife Management Area (19)
Jackson County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Campus Lake - Southern Illinois University, State of Illinois
Jackson County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Campus Pond - Eastern Illinois University, State of Illinois
Coles County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)
- Canton Lake, City of Canton
Fulton County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Carlyle Lake, U.S. Army Corps of Engineers (20) (33)
Clinton County
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Carthage Lake, City of Carthage
Hancock County
Channel Catfish
- 6 Fish Daily Creel Limit
- Cave-in-Rock State Park Pond, Cave-in-Rock State Park
Hardin County
Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)
- Cedar Lake, U.S. Forest Service and City of Carbondale
Jackson County (19)
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 14"-18" Protected Slot Length Limit (no possession)
- 2 Fish Under 14" and 2 Fish Over 18" Daily Creel Limit
- 17" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye

Centralia Lake, City of Centralia
Marion County

Large or Smallmouth Bass - 15" Minimum Length Limit

Cernack Quarry, Cook County Forest Preserve District
Cook County

All Fish

- 2 Pole and Line
Fishing Only (1)(36)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and
Mattis Lake), Champaign Park District

Champaign County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth
Bass (14)

- 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston

Coles County

All Fish

- 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston

Coles County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Striped, White, or Hybrid

Striped Bass

- 17" Minimum Length Limit

Striped, White, or Hybrid

Striped Bass (16)

- 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora

Clay County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Chauncey Marsh (19)

Lawrence County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Chicago River (including its North Branch, South Branch, and the North Shore
Channel)

Cook County

Yellow Perch

Yellow Perch

- 25 Fish Daily Creel Limit

- Closed During June

Citizen's Lake, City of Monmouth
Warren County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14)

Channel Catfish

- 10 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Large or Smallmouth Bass (14)

- 3 Fish Daily Creel Limit

Trout

- Fall Closed Season(10)

Clear Lake, Kickapoo State Park

Vermillion County

Trout

Trout

- Fall Closed Season (10)

- Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)

DeWitt County

All Fish

- 2 Pole and Line Fishing
Only (1)(18)

- 14" Minimum Length Limit

Large or Smallmouth Bass

Striped, White, or Hybrid

Striped Bass

- 17" Minimum Length Limit

Striped, White, or Hybrid

Striped Bass (16)

Walleye or Sauger

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

White, Black, or Hybrid

Crappie

- 15 Fish Daily Creel Limit

- 14" Minimum Length Limit

- 9" Minimum Length Limit

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area

Montgomery County

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

Crappie

Striped, White, or Hybrid

Striped Bass

Striped, White, or Hybrid

Striped Bass (16)

- 10 Fish Daily Creel Limit

- 9" Minimum Length Limit

- 17" Minimum Length Limit

- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Coles County Airport Lake, Coles County Airport
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Coleta Trout Pond, State of Illinois
Whiteside County
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Columbus Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit

Coulterville City Lake, City of Coulterville
Randolph County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge- Crab Orchard Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)(4)
Striped, White, or Hybrid - 10 Creel/3 Fish 17" or Longer Daily Striped Bass (16) (17)
Large or Smallmouth Bass - 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge- Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge- Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30) - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 21" Minimum Length Limit

Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit

Crull Impoundment Wildlife Management Area (33)
Jersey County

Crystal Lake, Urbana Park District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye - 9" Minimum Length Limit
White, Black or Hybrid Crappie - 15 Fish Daily Creel Limit
Crappie (15)

Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Defiance Lake, Moraine Hills State Park McHenry County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 14" Minimum Length Limit - 3 Fish Daily Creel Limit
All Fish	
Channel Catfish	
Large or Smallmouth Bass	
Large or Smallmouth Bass (14)	
Des Plaines River Conservation Area (19) Will County	
Dixon Springs Ag. Center Pond, Dixon Springs Ag. Center Pope County	- Fall Closed Season (10) - Spring Closed Season (11)
Trout	
Trout	
Dog Island Wildlife Management Area (19) Pope County	
Dolan Lake, Hamilton County Conservation Area Hamilton County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 14" Minimum Length Limit
All Fish	
Channel Catfish	
Large or Smallmouth Bass	
Walleye, Sauger, or Hybrid	
Walleye	
Donnelley State Wildlife Area (33) Bureau County	- 14" Minimum Length Limit
Douglas Park Lagoon, Chicago Park District Cook County	
All Fish	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
Channel Catfish	
DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District	
DuPage County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 14" Minimum Length Limit
All Fish	
Channel Catfish	
Large or Smallmouth Bass	
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)	
DuPage County	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass	- Catch and Release Fishing Only (9)
East Fork Lake, City of Olney Richland County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - 15" Minimum Length Limit
All Fish	
Channel Catfish	
Large or Smallmouth Bass	
Walleye, Sauger, or Hybrid	
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Eldon Hazlet State Park (19) (See Also Carlyle Lake) Clinton County	
Elliott Lake, Wheaton Park District DuPage County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit
All Fish	
Channel Catfish	
Evergreen Lake, City of Bloomington McLean County	- 15" Minimum Length Limit - 35" Minimum Length Limit
Large or Smallmouth Bass	
Pure Muskellunge	
Walleye, Sauger, or Hybrid	
Walleye	- 14" Minimum Length Limit
White, Black, or Hybrid	
Crappie (15)	- 25 Fish Daily Creel Limit
Faries Park Pond, City of Decatur Macon County	- Fall Closed Season (10)
Trout	
Ferne Clyffe Lake, Ferne Clyffe State Park Johnson County	- 2 Pole and Line Fishing Only (1) - 6 Fish Daily Creel Limit - Fall Closed Season (10) - Spring Closed Season (11)
All Fish	
Channel Catfish	
Trout	
Trout	
Flatfoot Lake, Cook County Forest Preserve District Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)(36)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Forbes State Lake, Stephen A. Forbes State Park
Marion County
Striped, White, or Hybrid
Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit
- Forbes State Park Ponds, Stephen A. Forbes State Park
Marion County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)(5)
Large or Smallmouth Bass - 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Forest Park Lagoon, City of Shelbyville
Shelby County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
Trout - 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Fort de Chartres Historic Site (19)
Randolph County
- Four Lakes, Winnebago County Forest Preserve
Winnebago County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19)), State of Illinois
Lake and McHenry Counties
Large or Smallmouth Bass - 14" Minimum Length Limit (6)
Pure Muskellunge - 45" 36" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye - 14" 10" Minimum Length Limit
with an 18-24" Protected Slot Length Limit (no possession) (6)
--3-Pish-Batty-Creel-Limit-67
-2 Fish >or=14" and <18" &/or 1 Fish >24" Daily Creel Limit (35)
- Walleye, Sauger, or Hybrid
Walleye (14)
- Fox Ridge State Park (19)
Coles County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Fox River (within the boundaries of Silver Springs State Park)
Kendall County
Large or Smallmouth Bass - 12" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Frank Holten Lakes, Frank Holten State Park
St. Clair County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 6 Fish Daily Creel Limit
Trout - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Franklin Creek (within the boundaries of Franklin Creek State Natural Area)
Lee County
All Fish
Large or Smallmouth Bass - 2 Pole and Line Fishing Only (1)(9)
Large or Smallmouth Bass - 12" Minimum Length Limit
Bass (14) - 3 Fish Daily Creel Limit
- Fuller Lake (19)
Calhoun County
- Gale Lake, Village of East Galesburg
Knox County
All Fish
Bluegill or Redear Sunfish (14) - 2 Pole and Line Fishing Only (1)
Channel Catfish - 10 Fish Daily Creel Limit
Large or Smallmouth Bass - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Garfield Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Gabhard Woods Ponds, Gebhard Woods State Park
Grundy County
All Fish
Trout - 2 Pole and Line Fishing Only (1)
- Spring Closed Season (11)
- Giant City Park Ponds, Giant City State Park
Jackson and Union Counties
Largemouth and Spotted Bass - 15" Minimum Length Limit
- Gillespie New City Lake, City of Gillespie

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Macoupin County
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit
- Gillespie Old City Lake, City of Gillespie
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Glades - 12 Mile Island Wildlife Management Area (33)
Jersey County
Gladstone Lake, Henderson County Conservation Area
Henderson County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit
- Glen Oak Park Lagoon, Peoria Park District
Peoria County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Glen Shoals Lake, City of Hillsboro
Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Godar-Diamond/Hurricane Island Wildlife Management Area (33)
Calhoun County
Gompers Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Gordon F. More Park Lake, City of Alton
Madison County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- ~~- 2 Fish - 15" - 6/02-1-Fish - 02-15"~~
~~Betty-4257~~
~~3 Fish Daily Creel Limit~~
- Governor Bond Lake, City of Greenville
Bond County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- ~~Grayslake-Baker, Grayslake Park District (Grayslake and Park Ponds) 7~~
Lake County
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Greenfield City Lake, City of Greenfield
Green County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Greenville Old City Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Harrisburg New City Reservoir, City of Harrisburg
Saline County
All Fish
Channel Catfish
Striped, White, or
Hybrid Striped Bass
Striped, White or
Hybrid Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Harrisburg Holding Pits North and South, City of Harrisburg
Saline County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
 Grundy County (33)
 (Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
 - 2 Pole and Line Fishing Only (1)
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Striped, White, or Hybrid
 Striped Bass (16)
 Walleye, Sauger, or Hybrid
 Walleye
 Walleye, Sauger, or Hybrid
 Walleye (14)
 Helmbold Slough (19)
 Calhoun County
 Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
 Multiple Counties
 All Fish
 - 2 Pole and Line Fishing
 Only (1)(13)
 - 14" Minimum Length Limit
 Large or Smallmouth Bass
 Trout
 Trout
 Walleye, Sauger, or Hybrid
 Walleye
 - 14" Minimum Length Limit

Herrick-Baker-BuPage-County-Forest-Reserve-District
 BuPage-County
 All-Fish
 Channel-Catfish
 -2-Pole-and-Line-Fishing-Only-(1)
 -6-Fish-Daily-Creel-Limit
 Hidden Springs State Forest Ponds, Hidden Springs State Forest
 Shelby County
 All Fish
 Bluegill or Redear
 Sunfish (14)
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass

Highland Old City Lake, City of Highland
 Madison County
 All Fish
 Channel Catfish
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Fall Closed Season (10)

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
 Grundy County (33)
 (Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
 - 2 Pole and Line Fishing Only (1)
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 Striped, White, or Hybrid
 Striped Bass (16)
 Walleye, Sauger, or Hybrid
 Walleye
 Walleye, Sauger, or Hybrid
 Walleye (14)
 Helmbold Slough (19)
 Calhoun County
 Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
 Multiple Counties
 All Fish
 - 2 Pole and Line Fishing
 Only (1)(13)
 - 14" Minimum Length Limit
 Large or Smallmouth Bass
 Trout
 Trout
 Walleye, Sauger, or Hybrid
 Walleye
 - 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hillsboro Old City Lake, City of Hillsboro
 Montgomery County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 12-15" Slot Length Limit (3)
 Homer Lake, Champaign County Forest Preserve District
 Champaign County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 Hormel Pond, Donnelly State Fish and Wildlife Area
 Bureau County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing
 Only (1)(5)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area

Alexander County
 (Only trolling motors in refuge from October 5-March 1)
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)

Madison County
 All Fish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 White, Black or Hybrid Crappie (15)
 - 2 Pole and Line Fishing Only
 (1)(28)
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit

Horton Lake, Nauvoo State Park

Hancock County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Humbolt Park Lagoon, Chicago Park District

Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Illinois & Michigan Canal, State of Illinois

Grundy/LaSalle/Will Counties
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Illinois Department of Transportation Lake, State of Illinois
Sangamon County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Illinois River - Pool 26 (19)
Calhoun County

Jackson Park (Columbia Basin) Lagoon, Chicago Park District
Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Jones Park Lake, City of East St. Louis

St. Clair County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Jones State Lake, Saline County Conservation Area

Saline County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Jones Lake Trout Pond, Saline County Conservation Area

Saline County
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Jubilee College State Park Ponds, Jubilee College State Park

Peoria County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Kankakee River State Park (19)

Kankakee/Will Counties

Kankaskia River & all tributaries, State of Illinois

Multiple Counties
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye

Kankaskia River Fish and Wildlife Area (19)

St. Clair/Randolph/Monroe Counties

Kankaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area
(33)

St. Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

Kendall County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Kent Creek

Winnebago County

Trout - Spring Closed Season (11)

Kickapoo State Park Lakes & Ponds, Kickapoo State Park

Vermilion County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)

Jackson County
Large or Smallmouth Bass - 12" - 16" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass - 2 Fish Under 12" and 2 Fish Over 16" Daily Creel Limit
Pure Muskeellunge - 45" 36" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye

Lake Atwood, McHenry County Conservation District

McHenry County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish
Trout
- 6 Fish Daily Creel Limit
 - Spring Closed Season (11)
- Lake Bloomington, City of Bloomington
McLean County
- 15" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit
- Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)

Lake Carlton, Morrison-Rockwood State Park
Whiteside County

- All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District
Lake County

- All Fish
Channel Catfish
Large Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Lake Decatur, City of Decatur

- Wacon County
- All Fish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit

Lake Depue Fish and Wildlife Area (33)
Bureau County

Lake Eureka, City of Eureka

- Woodford County
- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Lake George, Loud Thunder Forest Preserve

- Rock Island County
- All Fish
Channel Catfish
Large or Smallmouth Bass
Pure Muskellunge
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit

Lake Jacksonville, City of Jacksonville

- Morgan County
- All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
White, Black, or Hybrid
Crappie
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Lake Kakusha, City of Mendota

- LaSalle County
- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 10 Fish Daily Creel Limit

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park
Stephenson County

- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
- 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Crappie (15) - 25 Fish Daily Creel Limit
- Lake Mendota, City of Mendota
LaSalle County
All Fish
Channel Catfish
Large or Smallmouth Bass (14) - 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish >or=15" &/or 2 < 12" Daily (31)
- Lake Michigan (Illinois Portion), State of Illinois
Lake/Cook Counties
Trout and Salmon - 10" Minimum Length Limit
Trout and Salmon - no more than 3 fish of any one species daily, except for Lake Trout
Lake Trout - 2 Fish Daily Creel Limit
Yellow Perch - 25 Fish Daily Creel Limit
Yellow Perch - Closed During June
- Lake Milliken, Des Plaines Conservation Area
Will County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Trout - Spring Closed Season (11)
- Lake Mingo & Kennekuk Cove Park Ponds, Vermillion County Conservation Area
Vermillion County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Walleye, Sauger, or Hybrid - 14" Minimum Length Limit
Walleye
- Lake Murphysboro, Lake Murphysboro State Park
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
~~Large or Smallmouth Bass~~
~~Large or Smallmouth Bass (14)~~ - 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Lake Nellie, City of St. Elmo
Fayette County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
- Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)
- Lake Olson, Rock Out State Park
Winnebago County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Lake Owen, Hazel Crest Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Lake Paradise, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
- Lake Paradise Shadow Ponds, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
Channel Catfish - 6 Fish Daily Creel Limit
- Lake Sara, City of Effingham
Effingham County
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye, Sauger, or Hybrid
Walleye - 14" Minimum Length Limit
White, Black, or Hybrid
Crappie (15) - 25 Fish Daily Creel Limit
- Lake Shelbyville (21), U.S. Army Corps of Engineers
Moultrie/Shelby Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)

- Large or Smallmouth Bass
- 14" Minimum Length Limit
- 36" Minimum Length Limit
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- 10" Minimum Length Limit
- 10" Minimum Length Limit

Lake Shelbyville Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)
Moultrie/Shelby Counties

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Lake Mississippi (19)
Whiteside County

Lake Springfield, City of Springfield
Sangamon County

- All Fish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 2 Pole and Line Fishing Only (1)
- 15" minimum Length Limit
- 14" Minimum Length Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit

Lake Storey, City of Galesburg
Knox County

- All Fish
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Walleye, Sauger, or Hybrid
- Walleye
- Walleye, Sauger, or Hybrid
- Walleye (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District
Ogle County

- All Fish
- Bluegill or Redear
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black or Hybrid
- Crappie (15)
- 10 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit
- 36" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville
Christian County

- Large or Smallmouth Bass
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie (15)
- 25 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 9" Minimum Length Limit

Lake Vandalia, City of Vandalia
Fayette County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- 3 Fish Daily Creel Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit

Lake Vermillion, Vermillion County Conservation District

- Vermillion County
- All Fish
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 2 Pole and Line Fishing Only (26)
- 15" Minimum Length Limit (23)
- 36" Minimum Length Limit (23)
- 14" Minimum Length Limit (23)

Lake Williamsville, City of Williamsville
Sangamon County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

LaSalle Lake, LaSalle Power Station
LaSalle County

- All Fish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Striped Bass (16)	- 10 Creel/3 Fish 17" or Longer Daily (17)
Levings Lake, Rockford Park District	
Winnebago County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site	
Coles County	
All Fish	- 2 Pole and Line Fishing Only (1)
Lincoln Park North Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Lincoln Park South Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Lincoln Trail Lake, Lincoln Trail State Park	
Clark County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Little Black Slough, Little Black Slough State Natural Area	
Johnson County	
All Fish	- 2 Pole and Line Fishing Only (1)
All Fish	- No Seines
Little Sister Lake, County of Fulton	
Fulton County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear	
Sunfish (14)	- 10 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length-5 ft 12-15" Slot Length Limit (3)
Large or Smallmouth Bass (14)	
- 3 Fish Daily Creel Limit	
Lou Yeager Lake, City of Litchfield	
Montgomery County	
Large or Smallmouth Bass	- 15" minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Loami Reservoir, City of Loami	
Sangamon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Lower Cache River, Lower Cache River State Natural Area	
Pulaski/Johnson Counties	
All Fish	- 2 Pole and Line Fishing Only (1)
All Fish	- No Seines
Lyerla Lake, Union County Conservation Area	
Union County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Mackinaw River (within the boundaries of Mackinaw River Fish and Wildlife Area)	
Tazewell County	
Large or Smallmouth Bass	- 12" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Macon County Conservation District Ponds, Macon County Conservation District	
Macon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Maple Lake, Cook County Forest Preserve District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)(36)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Marquette Park Lagoon, Chicago Park District	
Cook County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)	
Marshall County	
(Unlawful to trespass upon designated waterfowl hunting areas 7 days prior to the waterfowl season and on areas designated as waterfowl refuges from October 10 until the end of the waterfowl season)	
All Fish	- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Marshall County Conservation Area - Sparland Unit (19)
Marshall County

Mascoutah Reservoir, City of Mascoutah

- St. Clair County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)

Mattoon Lake, City of Mattoon
Coles County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- Large or Smallmouth Bass

Mazonia-Braidwood Lakes & Ponds, Mazonia-Braidwood State Fish and Wildlife Area (33)

Grundy/Will Counties
(Braidwood Lake is closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with duck season)

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Striped, White, or Hybrid
 - Striped Bass
 - 17" Minimum Length Limit
 - Striped, White, or Hybrid
 - Striped Bass (16)
 - 3 Fish Daily Creel Limit
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black or Hybrid
 - Crappie (15)
 - 10 Fish Daily Creel Limit

Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area

- Bureau County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit

McCullom Lake, City of McHenry

- McHenry County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Bluegill or Redear
 - Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth
Bass (14)

- 1 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District

- Cook County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Channel Catfish

McLeansboro City Lakes, City of McLeansboro

- Hamilton County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - Channel Catfish
 - Large or Smallmouth Bass

Meredosia Lake - Cass County Portion Only (meandered waters only) (33)

Cass County

Meredosia Lake - Cass County Portion

Cass County

(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area (33)

Massac County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve

Champaign County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14)
- 6 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- 14" Minimum Length Limit

Mill Creek Lake, Clark County Park District

Clark County

- All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Channel Catfish
- Large or Smallmouth Bass
- 12-15" Slot Length Limit (3)
- Walleye--Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit

Miller Park Lake, City of Bloomington

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

McLean County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)
Multiple Counties

Mississippi River (between IL & IA), State of Illinois
Multiple Counties
Large or Smallmouth Bass
Northern Pike
Walleye and Sauger (14)
Walleye
- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit (24)
- 15" Minimum Length Limit

Mississippi River (between IL & MO), State of Illinois
Multiple Counties
(Boating prohibited on refuge area immediately south of Melvin Price Lock and Dam 26 from October 15-April 15)
Northern Pike
Walleye and Sauger (14)
- 1 Fish Daily Creel Limit
- 8 Fish Daily Creel Limit

Monee Reservoir, Will County Forest Preserve District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Montrose Lake, City of Montrose
Cumberland County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Mt. Olive City Lakes, City of Mt. Olive
Macoupin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass
- 15" Minimum Length Limit

Mt. Sterling Lake, City of Mt. Sterling
Brown County
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Mt. Vernon City Park Lake, City of Mt. Vernon
Jefferson County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County
All Fish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- Fall Closed Season (10)
- Spring Closed Season (11)

Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Nashville City Lake, City of Nashville
Washington County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit

Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 18" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

Norris City Reservoir, City of Norris City
White County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Oakford Conservation Area (Menard County) (19)
Menard County

Oakland City Lake, City Lake, City of Oakland

- Coles County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass

Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)

- 12" Minimum Length Limit
 - No Length or Creel Limit
 - 2 Fish Daily Creel Limit
 - 10 Fish Daily Creel Limit
 - 30 Fish Daily Creel Limit
 - 30 Creel/4 Fish 15" or Longer Daily (32)
- Large or Smallmouth Bass
- Northern Pike
- Muskie or Tiger Muskie
- Walleye, Sauger, or Hybrid
- Walleye (14)
- White, Black, or Hybrid
- Crappie (15)
- Striped, White, Yellow or Hybrid
- Striped Bass

Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties

- 12" Minimum Length Limit
- Large and Smallmouth Bass

Otter Lake, Otter Lake Water Commission

- Macoupin County
- 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 36" 45" Minimum Length Limit
- Large or Smallmouth Bass (14)
- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Pure Muskellunge

Palmyra City Lake & Terry Park Pond, City of Palmyra

- Macoupin County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- All Fish
- Channel Catfish

Pana Lake, City of Pana

- Shelby and Christian Counties
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- All Fish
- Channel Catfish
- Large or Smallmouth Bass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Paris East & West Lakes, City of Paris

- Edgar County
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- All Fish
- Channel Catfish
- Large or Smallmouth Bass

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area
St. Clair County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid Crappie

Peetman-Saker-Kickapoo-State-Park

- Vermilion County
- 14" Minimum Length Limit
- Large or Smallmouth Bass

Pekin Lake (19)

Tazewell County

Piasa (19)

Madison/Jersey Counties

Pierce Lake, Rock Cut State Park

Winnebago County

- All Fish
- 2 Pole and Line Fishing Only (1)(7)
 - 5 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
 - 25 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- White, Black, or Hybrid
- Crappie (15)

Pike County Conservation Area (19)

Pike County

Pickneyville Lake, City of Pickneyville

Perry County

- 18" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Pine Creek
Ogle County
Trout
- Spring Closed Season (11)
- 2 Pole and Line Fishing Only (1)
- 12" Minimum Length Limit
Pine Creek (within the boundaries of White Pines Forest State Park)
Ogle County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
- 3 Fish Daily Creel Limit
- Spring Closed Season (11)
- 9" Minimum Length Limit
- Spring Closed Season (11)
Piscasaw Creek
McHenry County
Trout
Trout
Pittsfield City Lake, City of Pittsfield
Pike County
All Fish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
Pocahontas Park Pond, City of Pocahontas
Bond County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Powerton Lake, Powerton Lake Fish and Wildlife Area (33)
Tazewell County
(Shall be closed to ~~all fishing~~ and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of waterfowl season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 1 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid
Walleye (14)
Walleye, Sauger, or Hybrid

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Walleye
- 24" Minimum Length Limit
Pratt-Wayne-Woods-Lakes-BuPage-County-Forest-Preserve
BuPage-County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Prospect Pond, City of Moline
Rock Island County
Trout
- Fall Closed Season (10)
Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
Ramsey Lake, Ramsey Lake State Park
Fayette County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)
- 14" Minimum Length Limit
Red Hills Lake, Red Hills State Park
Lawrence County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Red's Landing Wildlife Management Area (19)
Calhoun County
(Walk-in area closed to trespassing 7 days prior to duck season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Redwing Slough/Deer Lake (33)
Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)

Franklin County
Large or Smallmouth Bass
Striped, White, Yellow, or Hybrid
Striped Bass (8)
- 14" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Pond, U.S. Army Corps of Engineers

Franklin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Rice Lake Fish and Wildlife Area (33)

Fulton County

Ridge Lake, Fox Ridge State Park

Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Riis Park Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Riprap Landing (19)

Calhoun County

Riverside Park Lagoon, Moline Park District

Rock Island County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Rock Creek, State of Illinois

Kankakee County
Trout
- Spring Closed Season (11)

Rock River Main Stem Only (except reach from Oregon Dam to State Route 2 highway bridge at Grand Detour)

Multiple Counties

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
Walleye, Sauger, and Hybrid
Walleye
- 12" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

Rock River Main Stem Only (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour)

Ogle County
Large or Smallmouth Bass
Walleye, Sauger, and
Hybrid Walleye
- Catch and Release Fishing Only (9)
- 14" Minimum Length Limit

Rock Springs Pond, Macon County Conservation District

Macon County
Trout
- Spring Closed Season (11)

Roodhouse Park Lake, City of Roodhouse

Green County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo

Fayette County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Sam Dale Lake, Sam Dale Conservation Area

Wayne County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger
and Hybrid Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit

Sam Dale Trout Pond, Sam Dale Conservation Area

Wayne County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Sam Parr Lake, Sam Parr State Park

Jasper County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sand Lake, Illinois Beach State Park

- Lake County
- Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - Trout
 - Trout
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)

Sangamon Conservation Area (33)

Mason/Cass/Schuyler/Menard Counties

Sangchris Lake, Sangchris Lake State Park

- Christian/Sangamon Counties
- (Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the goose season that follows the duck season)
- All Fish
 - Large or Smallmouth Bass (14)
 - 2 Fish <15" &/or 1 Fish >or=15" Daily (25)
 - White, Black, or Hybrid
 - Crappie (15)
 - White, Black, or Hybrid
 - Crappie
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park

- Sangamon County
- All Fish
 - 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District

- Cook County
- All Fish
 - 2 Pole and Line Fishing Only (1)
 - (36)
 - Channel Catfish
 - Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Schuyler County

- Schuyler County
- Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie
 - 14" Minimum Length Limit
 - 9" Minimum Length Limit

Senior Citizen's Pond, Kankakee River State Park

- Kankakee County
- All Fish
 - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Channel Catfish

- 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park

- DeKalb County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Pure Muskellunge
 - Walleye, Sauger, or Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 10 Fish Daily Creel Limit
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit

Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service Multiple Counties

- All Fish
- Channel Catfish
- Largemouth, Smallmouth or Spotted Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S.

- Forest Service
- Pope County
- All Fish
 - Channel Catfish
 - Largemouth, Smallmouth and Spotted Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Shawnee National Forest - Dutchman Lake, U.S. Forest Service

- Johnson County
- All Fish
 - Channel Catfish
 - Largemouth, Smallmouth or Spotted Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Shawnee National Forest - Lake Glendale, U.S. Forest Service

- Pope County
- All Fish
 - Channel Catfish
 - Largemouth, Smallmouth or Spotted Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit

Shawnee National Forest - Little Cache #1, U.S. Forest Service

- Johnson County
- All Fish
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Little Cedar Lake, U.S. Forest Service
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
Hardin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit
- Sherman Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Siloam Springs Lake, Siloam Springs State Park
Adams County
All Fish - 2 Pole and Line Fishing Only (1) (7)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth Bass - 12-15" Slot Length Limit (3)
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Silver Lake, DuPage County Forest Preserve District
DuPage County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth Bass - 14" Minimum Length Limit
Largemouth, Smallmouth Bass (14)
Trout - 3 Fish Daily Creel Limit
Trout - Spring Closed Season (11)
- Silver Lake (Highland), City of Highland
Madison County
Walleye, Sauger, or Hybrid Walleye - 14" Minimum Length Limit
- Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Park
Kendall County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth Bass - 15" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Site M Ponds #1, #2, #3, and #4, Site M Conservation Area
Cass County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth Bass - 15" Minimum Length Limit
- Skokie Lagoons, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1) (36)
Largemouth, Smallmouth Bass - 14" Minimum Length Limit
Walleye - 18" Minimum Length Limit
- Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife Area
Knox County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(All use other than waterfowl hunting prohibited from October 1 through the end of the goose season)

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 36" Minimum Length Limit
- Bluegill or Redear Sunfish (14)
 - 3 Fish Daily Creel Limit
- Channel Catfish
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit
- Pure Muskellunge
 - 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
 - 3 Fish Daily Creel Limit
- Walleye (14)
 - 3 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit
- White, Black, or Hybrid
 - 5 Fish Daily Creel Limit
- Crappie (15)
 - 5 Fish Daily Creel Limit

Sparta City Lakes, City of Sparta
Randolph County

- All Fish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
- Channel Catfish
 - 15" Minimum Length Limit
- Large or Smallmouth Bass

Spring Lake, City of Macomb
McDonough County

- All Fish
 - 2 Pole and Line Fishing Only (1) (5)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- Channel Catfish
 - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid
 - 17" Minimum Length Limit
- Striped Bass
 - 17" Minimum Length Limit
- Striped, White, or Hybrid
 - 3 Fish Daily Creel Limit
- Striped Bass (16)
 - 3 Fish Daily Creel Limit

Spring Lake, Flagg-Rochelle Park District
Ogle County

- Large or Smallmouth Bass
 - 14" Minimum Length Limit
- Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit

Spring Lakes (North & South), Spring Lake Conservation Area (33)

- Tazewell County
 - 2 Pole and Line Fishing Only (1) (7)
 - 6 Fish Daily Creel Limit
- All Fish
 - 12-15" Slot Length Limit (3)
- Channel Catfish
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
 - 36" 45" Minimum Length Limit
- Pure Muskellunge

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- White, Black, or Hybrid
 - 25 Fish Daily Creel Limit
- Crappie (15)
 - 9" Minimum Length Limit
- White, Black, or Hybrid
 - 9" Minimum Length Limit
- Crappie

Starved Rock State Park (19)

LaSalle County

Staunton City Lake, City of Staunton

- Macoupin County
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- All Fish
 - 2 Pole and Line Fishing Only (1)
- Channel Catfish
 - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 15" Minimum Length Limit
- Large or Smallmouth Bass (14)
 - 3 Fish Daily Creel Limit

Stephen A. Forbes State Park (19)

Marion County

Sterling Lake, Lake County Forest Preserve District

- Lake County
 - 2 Pole & Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 36" Minimum Length Limit
 - 14" Minimum Length Limit
- All Fish
 - 2 Pole & Line Fishing Only (1)
- Channel Catfish
 - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14)
 - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 15" Minimum Length Limit
- Pure Muskellunge
 - 36" Minimum Length Limit
- Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit
- Walleye

Storm Lake, DeKalb Park District

DeKalb County

- All Fish
 - 2 Pole and Line Fishing (1)
- Channel Catfish
 - 6 Fish Daily Creel Limit

Stump Lake Wildlife Management Area (33)

Jersey County

Tampier Lake, Cook County Forest Preserve District

- Cook County
 - 2 Pole and Line Fishing Only (36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit
- All Fish
 - 2 Pole and Line Fishing Only (36)
- Channel Catfish
 - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
 - 6 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid
 - 14" Minimum Length Limit
- Walleye

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area
Hamilton/Jefferson Counties (19)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Areas designated as refuge are closed to all access during the Canada goose season)

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Tilton City Lake, City of TiltonVermillion County

- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Tonahawk Lake, Moraine Hills State Park

McHenry County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Wentworth-Pittsford-Village-of-FremontWayne County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Bass (14)
- 2-Pole-and-Line-Fishing-Only--(1)
- 6-Fish-Daily-Creel-Limit
- 15"-Minimum-Length-Limit
- 1-Fish-Daily-Creel-Limit

Turner Lake, Chain O'Lakes State Park

Lake County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass (14)
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Union County Conservation Area

Union County

(All fishing and boat traffic prohibited October 15-March 1)

Valley Lake, Wildwood Park District

Lake County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Vandalia-Correctional-Facility-Pond--State-of-IllinoisPayette County

- All Fish
- Channel Catfish
- 2-Pole-and-Line-Fishing-Only--(1)
- 6-Fish-Daily-Creel-Limit

Vanhorn Woods Pond, Plainfield Park District

Will County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Vernor Lake, City of Olney

Richland County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove East Lake, City of Villa Grove

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove West Lake, City of Villa Grove

Douglas County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)

Virginia City Reservoir, City of Virginia

Cass County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Waddams Creek

Stephenson County

Trout

- Spring Closed Season (11)

Walnut Point Lake, Walnut Point State Fish and Wildlife Area

Douglas County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Walton Park Lake, City of Litchfield
Montgomery County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Bass (14)
- Warrior Lake, Moraine Hills State Park
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Washington County Lake, Washington County Conservation Area
Washington County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
- Washington Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Washington Park Pond, Springfield Park District
Sangamon County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Waverly Lake, City of Waverly
Morgan County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
- Weinberg-King Pond, Weinberg-King State Park
Schuyler County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Weldon Springs Lake, Weldon Springs State Park
DeWitt County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- West Frankfort New City Lake, City of West Frankfort
Franklin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- West Frankfort Old City Lake, City of West Frankfort
Franklin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- West Salem Reservoir, City of Salem
Edwards County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- White Hall City Lake, City of White Hall
Greene County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Wilderness Lake, Moraine Hills State Park
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Wilderness Pond, Fox Ridge State Park
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

William W. Powers Conservation Area
(33)
Cook County

Wolf Lake, William W. Powers Conservation Area (33)
Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Large or Smallmouth Bass
- 14" Minimum Length Limit
- Walleye, Sauger, or Hybrid
- 14" Minimum Length Limit
- Walleye

Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)
Conservation Area
Woodford County

- All Fish
- 2 Pole and Line Fishing Only (1)

Wyman Lake, City of Sullivan
Moultrie County

- All Fish
- 2 Pole and Line Fishing Only (1)
- Channel Catfish
- 6 Fish Daily Creel Limit
- Trout
- Spring Closed Season (11)

Yellow Creek
Stephenson County

- Trout
 - Spring Closed Season (11)
- (Source: Amended at 20 Ill. Reg. **4640**, effective
MAR 06 1996)

Section 810.60 Bullfrogs

a) Statewide Regulations.

- 1) Bullfrogs may be taken by hand, pole and line fishing methods, pitchfork, landing net, bow and arrow or bow and arrow device, spear or gig. A landing net is defined as a hand-held net with no greater than 1.5 inch bar measurement netting, an opening of not greater than 5 feet in diameter, and a handle.
 - 2) No person shall take bullfrogs by commercial fishing devices including hoop nets, traps, or seines, or by the use of firearms, airguns or gas guns.
 - 3) The season is June 15 to August 31, both dates inclusive.
 - 4) The daily limit is 8; the possession limit is 16. Persons taking bullfrogs must have a valid sport fishing license or combination hunting and fishing license.
- b) Site Specific Regulations.
Bullfrogs may be taken in accordance with Statewide Regulations, Section 810.60 (a) above, on waters owned, managed or leased by the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Department of Natural Resources Conservation.

(Source: Amended at 20 Ill. Reg. **4640**, effective
MAR 06 1996)

Section 810.70 Free Fishing Days

During the period of June 7, 8, 9, and 10, 1996, 97-107-117--and--127--1995 it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license or salmon stamp.

(Source: Amended at 20 Ill. Reg. **4640**, effective
MAR 06 1996)

Section 810.80 Emergency Protective Regulations

a) Emergency regulations will be utilized to protect the sport fisheries resources of the State under the following criteria:

- 1) When data analysis based upon biological surveys demonstrates that one or more fish species in a fishery is likely to suffer severe deleterious effects due to angling pressure without the regulation(s).
- 2) The information upon which the regulation(s) is based was not available prior to the time frame required for normal rulemaking procedures.
- 3) The emergency regulation(s) must have the approval of the Chief, Division of Fisheries.
- b) The regulation(s) will be posted by painted signs at all lake road entrances, boat launching ramps or other heavily used bank fishing areas at least 14 days prior to the onset of said regulation(s). This will apply to State lakes as well as public lakes operating under the management agreement with the Division of Fisheries.
- c) A news release explaining the regulation(s) will be supplied by the Department of Natural Resources Conservation to local media prior to the effective date.

(Source: Amended at 20 Ill. Reg. **4640**, effective
MAR 06 1996)

Section 810.90 Fishing Tournament Permit

a) A fishing tournament permit from the Department of Natural Resources Conservation is needed if:

- 1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site, or
- 2) The fishing event is conducted over a period of more than five

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(5) days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site.

b) Applications for a permit shall be made in writing to the Department of Natural Resources Conservation, Division of Fisheries, at least 60 days prior to the first tournament date.

c) Issuance or denial of a permit shall be based upon the Department of Natural Resources' ~~conservation's~~ assessment of the capability of the fishery resource to absorb the tournament with minimal impact. In determining whether or not to hold a fishing tournament, the Department will estimate the number of fish of a particular species to be caught in order to evaluate the impact of angling days per acre of water. Items to be considered include:

- 1) Species sought;
 - 2) Biological status of population(s) or species sought. The following parameters will be considered in assessing the biological status or condition of the population of the species sought:
 - A) Population density;
 - B) Growth rate;
 - C) Age structure;
 - D) Size structure; and
 - E) Recruitment;
 - 3) Length of tournament;
 - 4) Projected tournament fishing pressure, which is the estimated total number of angling days generated by a tournament;
 - 5) Provisions for obtaining, tagging, holding, handling and/or releasing fish;
 - 6) Safety; and
 - 7) Potential boater-user conflicts.
- d) Tagged Fishing Tournament permittees must consult with the Division of Fisheries prior to tagging and/or releasing tagged fish to prevent conflict with Department fish tagging projects.
- e) Failure to acquire a permit as referenced in subsection (c) above is a petty offense and will result in denial of future applications for a Tagged Fishing Tournament Permit by that applicant, sponsor or group for a period up to five (5) years.

(Source: Amended, at 20 Ill. Reg. 4640, effective March 06, 1996)

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1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code Citation: 41 Ill. Adm. Code 170

3) Section Numbers: Adopted Action:

170.210 Amend

170.310 Amend

170.546 Amend

4) Statutory Authority: Section 2 of the Gasoline Storage Act (430 ILCS 15/2)

5) Effective Date of Rules: March 11, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 8, 1996

9) Notice of Proposal Published in Illinois Register: November 3, 1995, 19 Ill. Reg. 15125

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In Section 170.310(a)(4)(A), the Office added the sentence, "In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system."

In Section 170.310(a)(4)(A)(iv), the Office deleted the entire provision and relabeled.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Office is updating Part 170 by amending Section 170.210(a) to reference 41 Ill. Adm. Code 180 which contains exceptions to the stated requirements for the underground storage of liquid motor vehicle fuels. Section 170.210(a) required that flammable and combustible motor vehicle fuels be stored underground at services stations and other locations where

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Fuels are dispensed or delivered into the fuel tanks of motor vehicles. Part 180, since 1989, allowed for the storage and dispensing of motor vehicle fuels from aboveground storage tanks under certain conditions. The modification to Section 170.210(a) removes this existing contradiction. Also, the current amendments to Part 180 expand allowances for aboveground fuel dispensing tank installations to airport facilities.

Section 170.2(b) is amended to allow the fueling of aircraft from a tank truck, at airport facilities, if done in accordance with the current amendments to Part 180. These amendments allow for the fueling of aircraft only at airports to be done from a tank truck that meets the specific safety requirements contained in Section 180.23.

Additional, Section 170.310 is amended to stipulate that the fueling of aircraft at airport facilities in accordance with 41 Ill. Adm. Code 180.22 is an exception to the requirement for an Unattended Self-Service Permit issued by the Office of the State Fire Marshal.

This rulemaking amends Section 170.546 which restricts "service station" storage to underground storage tanks. "Service Station" is defined as any site where fuel dispensing occurs, whether public or private. Therefore, even though aboveground dispensing storage tanks for use in fueling at sites not open to the public have been allowed by 41 Ill. Adm. Code 180 since 1989, the corresponding prohibition against such activity found in Section 170.546 has never been modified. This amendment recognizes the currently allowed aboveground fuel dispensing storage tanks at private sites as well as the aboveground fuel dispensing storage tanks at airport facilities currently being adopted in 41 Ill. Adm. Code 180.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jack Ahern, Deputy State Fire Marshal
Office of the State Fire Marshal
100 West Randolph Street Suite 11-800
Chicago, Illinois 60601
312-814-2693

The full text of the Adopted Amendment begins on the next page:

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TITLE 41: FIRE PROTECTION
CHAPTER 1: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF
PETROLEUM AND OTHER
REGULATED SUBSTANCES

SUBPART A: MISCELLANEOUS

Section	
170.10	Definitions
170.11	Incorporation of National Standards
170.15	Bulk Sales Prohibited
170.20	Storage Underground and Limited (Repealed)
170.30	Setting of Tanks (Repealed)
170.40	Clearance Required for Underground Tanks (Repealed)
170.41	Location (Repealed)
170.50	Material and Construction of Tanks (Repealed)
170.60	Venting of Tanks (Repealed)
170.65	Underground Tank Installations (Repealed)
170.70	Fill Pipes (Repealed)
170.71	Registration of Underground Storage Tanks and Payment of Annual Fee (Repealed)
170.72	Late Registration Fee (Repealed)
170.75	Abandonment of Underground Storage Tanks (Renumbered)
170.76	Leaking Underground Tanks (Repealed)
170.80	Unloading Operations
170.90	Pumps (Repealed)
170.91	Labeling of Containers and Pumps
170.100	Piping (Repealed)
170.105	Approval of Plans (Repealed)
170.106	Installer, Repairer or Remover of Underground Storage Tanks (Repealed)
170.107	Tester of Underground Storage Tanks and Cathodic Protection (Repealed)
170.108	Pressure Testing (Repealed)
170.110	Building
170.115	Safe Heat Required
170.120	No Flammable or Combustible Liquids Within Building - Exception
170.130	Greasing Pits
170.140	Wash and Greasing Rooms
170.145	Fire Extinguishers
170.150	Self-Service - No Self-Service Without Permit; Procedures and Regulations
170.160	Care and Attendance
170.170	Fire Extinguishers (Repealed)
170.180	Sale of Fireworks

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170.190	Approval of Plans (Repealed)
170.200	Defective Equipment
170.210	Deliveries from Portable Tanks Restricted
170.310	Unattended Self-Service Other Than Fleet Operations
SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS	
Section	
170.400	Definitions
170.410	Incorporations by Reference
170.411	USTs Out of Operation One Year
170.412	Delegation of Authority to Enforce UST Rules and Regulations
170.420	Design, Construction, Installation and Notification of New UST Systems
170.421	Piping
170.422	Clearance Required for Underground Storage Tanks
170.423	Pressure Testing
170.424	Venting of Tanks
170.425	Fill Pipes
170.426	Pumps
170.427	Defective or Non-Compliant Equipment
170.428	General Requirements for UST Fuel Dispensing Systems
170.430	Upgrading of Existing UST Systems
170.431	Limitation on Interior Lining of USTs
170.440	Notification Requirements for Purposes of UST Registration
170.441	Payment of 1988 Annual UST Fee
170.442	UST Registration Fees
170.450	Spill and Overfill Release Control
170.460	Operation and Maintenance of Corrosion Protection
170.470	UST Compatibility with Product Stored
170.480	Repairs Allowed
170.481	Emergency Repairs
170.490	Reporting and Recordkeeping
170.500	General Release Detection Requirements for All UST Systems
170.510	Release Detection Requirements for Petroleum UST Systems
170.520	Release Detection Requirements for Hazardous Substance UST Systems
170.530	Methods of Release Detection for Tanks
170.540	Methods of Release Detection for Piping
170.541	Installer, Repairer, Reliner or Remover of USTs and Obtaining Permits
170.542	Site Plans
170.543	Notification and Establishment of a Date Certain for Underground Storage Tank Activity
170.544	Tester of Underground Storage Tanks and Cathodic Protection
170.545	USTs Inside or Under Buildings
170.546	UST Restrictions at Service Stations
170.550	Release Detection Recordkeeping
170.560	Reporting of Suspected Releases
170.570	Investigation Due to Off-Site Impacts

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170.580	Release Investigation and Confirmation Steps
170.590	Reporting and Cleanup of Spills and Overfills
170.600	Initial Response for UST Systems Containing Petroleum or Hazardous Substances
170.610	Initial Abatement Measures and Site Assessment
170.620	Temporary Out-of-Service Status for UST Systems
170.630	Change-in-Service of UST Systems
170.640	Assessing the Site at Removal or Change-in-Service of UST Systems
170.650	Applicability to Previously Removed UST Systems
170.660	Removal or Change-in-Service Records
170.670	Removal or Abandonment-in-Place of Underground Storage Tanks
170.672	Pre-'74 and Heating Oil USTs

SUBPART C: UNDERGROUND STORAGE TANKS--FINANCIAL RESPONSIBILITY REQUIREMENTS

Section	
170.700	Definitions
170.705	Incorporation by Reference
170.710	Applicability
170.720	Amount
170.730	Mechanisms of Financial Responsibility
170.740	Proof of Financial Responsibility
170.750	Substitution of Financial Responsibility Mechanisms by an Owner or Operator
170.760	Cancellation or Non-Renewal by a Provider of Financial Assurance
170.770	Reporting by Owner or Operator
170.780	Recordkeeping
170.790	Release from the Requirements
170.795	Bankruptcy or Other Incapacity of Owner or Operator, or Provider of Financial Assurance

SUBPART D: UNDERGROUND STORAGE TANKS--ADMINISTRATIVE
PROCEDURE RULES FOR ORDERS ISSUED BY THE DIVISION OF PETROLEUM AND
CHEMICAL SAFETY

Section	
170.800	Definitions
170.810	Grounds and Time for Appeal
170.820	Notice of Hearing
170.830	Appearances
170.840	Official Notice
170.850	Authority of Hearing Officer
170.860	Evidence to be Presented by the Owner to Object to the Denial or Revocation of the Registration of an Underground Storage Tank (UST) (Repealed)
170.870	Briefs
170.880	Transcripts
170.890	Order of the State Fire Marshal

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170.900 Authority to Enforce Administrative Orders and Assess Fines
 170.910 Suspension or Revocation of the License of a Contractor and
 Assessment of Fines Against a Contractor or Employee of a Contractor
 for Violations of Subpart B or E

170.920 Assessment of Fines Against Non-Contractors for Violations of Subpart
 B

170.930 Assessment of Fines Against an Owner, Operator or Provider for
 Violations of Subpart C

170.940 Hearing Officer Guidelines for Suspension, Revocation or Assessment
 of Fines

SUBPART E: LICENSING, CERTIFICATION AND IDENTIFICATION CARDS

Section

170.1000 Definitions

170.1100 Contractor Licensing

170.1200 Contractor and Employee Certification

170.1300 Possession of OSHA Identification Cards by Certified Individual
 Contractors and Certified Employees of Contractors

APPENDIX A Checklist for Underground Storage Tank Installation

APPENDIX B Checklist for Underground Storage Tank Reline

APPENDIX C Checklist for Underground Storage Tank Removal

APPENDIX D Checklist for Abandonment-in-Place of Underground Storage Tanks

APPENDIX E Guidelines for Marinas

TABLE A Schedule for Phase-in of Release Detection

TABLE B Manual Tank Gauging: Weekly and Monthly Standards

AUTHORITY: Implementing the Gasoline Storage Act [430 ILCS 15] and authorized
 by Section 2 of the Gasoline Storage Act [430 ILCS 15/2].

SOURCE: Rules and Regulations Relating to Service Stations filed July 10,
 1958; amended March 6, 1963 and April 4, 1977; codified at 5 Ill. Reg. 10692;
 emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a
 maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June
 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective
 October 1, 1985; emergency amendment at 10 Ill. Reg. 345, effective January 1,
 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 12324,
 effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg.
 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April
 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27,
 1989, for a maximum of 150 days; emergency expired June 26, 1989; amended at 13
 Ill. Reg. 5669, effective April 21, 1989; amended at 13 Ill. Reg. 7744,
 effective May 9, 1989; amended at 13 Ill. Reg. 8515, effective May 23, 1989;
 amended at 13 Ill. Reg. 8875, effective May 24, 1989; amended at 13 Ill. Reg.
 14992, effective September 11, 1989; amended at 14 Ill. Reg. 5781, effective
 April 10, 1990; amended at 15 Ill. Reg. 7042, effective April 29, 1991; amended
 at 16 Ill. Reg. 4845, effective March 12, 1992; emergency amendment at 17 Ill.

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Reg. 1186, effective January 12, 1993, for a maximum of 150 days; emergency
 expired June 11, 1993; amended at 19 Ill. Reg. 5467, effective April 1, 1995;
 amended at 20 Ill. Reg. **4698**, effective MAR 11 1996.

SUBPART A: MISCELLANEOUS

Section 170.210 Deliveries from Portable Tanks Restricted

a) All flammable and combustible liquid motor vehicle fuels must be
 stored underground at service stations and other locations where fuels
 are dispensed or delivered into fuel tanks of motor vehicles, except
 as provided in this Section and 41 Ill. Adm. Code 180. Occasional
 delivery of less than 6 gallons of fuel for emergencies (e.g., when a
 car or truck has run out of fuel) is allowed. Emergency deliveries of
 Class I, II and III liquid motor vehicle fuel shall be from approved
 containers as defined in Section 170.150(d)(7)(G) and (i).
 Dispensing or delivery of flammable or combustible motor vehicle fuels
 from tank trucks, tank wagons, or other portable tanks is prohibited
 except for:

- 1) Agricultural use (farm use) as defined in Section 180.201r-and
- 2) Construction sites for refueling construction equipment used only
 at the construction site (this exception does not apply to trucks
 or passenger cars which have license plates attached and may be
 driven to service stations); and
- 3) Emergency deliveries; and
- 4) Airports for fueling of aircraft as defined in 41 Ill. Adm. Code
 180.23.

(Source: Amended MAR 11 1996 at 20 Ill. Reg. **4698**, effective
MAR 11 1996.)

Section 170.310 Unattended Self-Service Other Than Fleet Operations

Service stations which allow or permit the fueling of motor vehicles with Class
 I, II, or III liquids, by persons other than an owner or employee, without the
 presence of an attendant are allowed only at locations which have a valid
 "Unattended Self-Service Permit" issued by the Office (except as allowed by 41
 Ill. Adm. Code 180.22 at airport facilities). Unattended "Self Service
 Permits" shall be issued for one year initially, and renewals shall be issued
 for two year intervals thereafter. "Unattended Self-Service Permits" shall not
 be issued to locations in counties with more than 1,000,000 in population. If
 a service station is to be operated as an unattended station during any portion
 of a day it will be deemed as requiring a permit for unattended operation and
 must meet such standards. Plans of the premises shall be submitted as required
 by Section 170.105.

a) Equipment required for an unattended self-service permit:

- 1) Dispenser control device (actuators and monitors) for use by
 customers to activate dispensing equipment.

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- A) Devices may use currency, coins, keys or cards to activate dispenser and pumps.
- B) Card devices shall use magnetically coded, optically read or inductive coil cards to be inserted in a device to activate the pump.
- C) All dispenser control devices must meet the standards of UL 1238 (1978) and shall be installed and maintained in accordance with the manufacturer's instructions. All wiring shall comply with NFPA 70 (1984), Chapter 5.
- D) Motors of pumps to dispensing devices shall not have electrical current supplied to them unless and until the dispensing device is activated. The electric current to the motors of the pumps shall automatically terminate and not more than three (3) minutes after the flow of product has ceased. Electrical current to the pump motors shall be off at all other times.
- 2) Dispensing devices, remote pumps and hose nozzle valves must comply with this Part, and the following rules:
- A) Hose nozzles must meet the standards of UL 842 (1980) and:
- Nozzles must be equipped with devices (e.g., wire or a spout anchor spring) designed to retain the nozzle in the vehicle fill pipe while refueling. Such devices must be in compliance with (UL) Standard 842 (1980), or be approved by Factory Mutual, as part of the nozzle assembly. The spout anchor spring shall be of the type recommended by the manufacturer of the hose nozzle valve and be installed and maintained in accordance with the manufacturer's recommendations.
 - An automatic self-closing type nozzle with a latch hold open device must be installed as an integral part of the nozzle assembly, and must meet UL 842 (1980).
 - Hose nozzle valves shall be of the type which will close automatically, independent of the latch-open device, upon loss of pressure in the dispensing system and in which the latch-open device may only be engaged when the dispensing system is under pressure.
 - The nozzle must be designed and maintained to cease the flow of product if the nozzle falls from the fill pipe of the motor vehicle being fueled to the ground, as described in UL 842 (1980) Section 15.
- B) Remote pumps serving dispensing devices shall meet the standards of UL 79 (1981) and shall be equipped with a leak detection device in accordance with paragraph 4-3.3 of NFPA 30A (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.
- C) Dispensing devices shall meet the standards of UL 87 (1982) and the following rules:
- Devices shall be equipped with a secondary control

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- means in accordance with Paragraph 4-2.3 of NFPA 30A (1984).
- Devices served by remote pumps shall be equipped with an emergency shut-off valve meeting the standards of UL 842 (1980) and which shall comply with paragraph 4-3.6 of NFPA 30A (1984).
 - Devices shall be mounted or protected against collision damage by means of islands, posts or an equivalent means.
 - Dispensing devices shall be bolted to their mounting surface in accordance with the manufacturer's instructions.
 - Devices shall be wired in accordance with Chapter 5 of NFPA 70 (1984) and shall be installed and maintained in accordance with the manufacturer's instructions.
 - An emergency breakaway device shall be installed on each hose at all dispensing devices available for self service of Class I, II and III liquids. The breakaway device shall be designed to retain liquid on both sides of the breakaway point, and shall be installed and maintained in accordance with the manufacturer's recommendations.
- 3) Emergency Electrical Controls shall be provided and shall comply with the following rules:
- A) A Master Electrical shut-off switch or circuit breaker shall be provided at a location not less than 20 feet from the nearest nor more than 100 feet from the farthest dispensing device for unattended self-service and shall:
- Be visible from all unattended self-service dispensing device locations on the premises. If installation of a single switch or circuit breaker does not achieve compliance with this visibility requirement, duplicate switches or circuit breakers shall be required by the Office to achieve compliance.
 - Terminate electric power to all dispensers, pumps and dispenser control devices on the premises, including neutral conductors and low voltage control wiring.
 - Be of such a type or installed in such a way, that it may only be reset manually with a key which shall be kept in the custody of the unattended self-service station owner or an employee of the owner or, alternatively, the resetting device shall be kept in a secured area accessible only by key or other device which is kept solely in the custody of the owner or employee of the owner. (Club members, card holders and other persons utilizing the station may not have access to the mechanism necessary to the resetting of the master electrical control).

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- B) In addition to the Master Electrical Shut-off required in subsection (a)(3)(A) above, additional emergency electrical controls shall be provided at each group of dispensers or pumps served by a single dispenser control device. Such additional controls may, at the option of the owner be an integral part of the dispenser control device assembly. The device shall, when activated, terminate all electrical power to all dispensing devices or pumps which are served by that dispenser control device. Stations with only one island may elect to utilize only a master electrical control located at the dispenser control device meeting the requirements of subsection (a)(3)(A) above.
- C) The emergency electrical controls required by this section shall, at all times, be identified by a sign constructed of all weather material which shall state, in letters not less than 1" in height, "EMERGENCY SHUT OFF SWITCH". Lettering shall contrast with the background material of the sign. The sign shall be mounted in place with the bottom of the sign not less than five (5) feet above the ground.
- D) Resetting the Master Electrical Shut-off required by this section shall be accomplished only after the condition which caused it to be activated has been corrected.
- E) Power for illumination of dispensing areas required by this Section shall not be affected by activation of any of the Emergency Electrical Controls.
- F) Activation of a Master Electrical Shut-off shall transmit an alarm as required in subsection (4)(A)(iii) and subsection (4)(B)(iv) below.
- G) A sign shall be placed at or near the Master Electrical Shut-off stating that activation of the Master Electrical Shut-off "transmits a fire alarm to the fire department".
- 4) Fire detection, control and suppression equipment must meet either A or B of the following (note: local governments may require option A or option B):
- A) Unattended dispensing areas for Class I, II and III liquid motor fuels utilizing this option shall be protected by an automatic fire suppression system(s) meeting the standards of UL (1985), UL 300 A (1982) and NFPA 17 (1985). If a fire suppression system meeting these requirements is installed, no fire extinguishers are required. In the event of a fire suppression system discharge, the fuel dispensing facility shall not be returned to service until the suppression system is recharged and fully operational in the area protected by the system. The fire suppression system and which shall:
- i) automatically activate the Master Electrical Shut-off shut-off.
 - ii) sound a local alarm notification device audible

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- throughout the dispensing area and meet the standards of NFPA 72G (1985).
- iii) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or NFPA 72D (1979).
 - iv) ~~if a fire suppression system meeting these requirements is installed, no fire extinguishers are required;~~
 - v) ~~in the event of a system discharge, not be returned to service until the suppression system is recharged and fully operational in the area protected by the system;~~
 - iv) ~~at suppression system design shall include extinguishing agent discharge nozzles mounted above dispensers, and at or near ground level to discharge agent underneath vehicles being fueled. Suppression systems that are not listed by UL for ground level discharge should have ground level discharge nozzles installed by January 1, 1987; overhead nozzles shall be installed prior to issuance of a permit.~~
- B) Unattended dispensing areas for Class I, II and III motor vehicle fuels electing this option shall have a fire detection system located under a weather enclosure (canopy) and hand held portable fire extinguishers which shall:
- i) Detect a fire in the dispensing area through the use of rate compensation, rate of rise or flame sensing detectors, and the installation must meet the requirements of NFPA 72E (1982), ~~7 and~~
 - ii) automatically activate the Master Electrical Shut-off.
 - iii) sound a local alarm notification device audible throughout the dispensing area and meet the standards of NFPA 72G (1985).
 - iv) automatically transmit an alarm signal to the fire department which provides fire protection service to the service station property. The method of alarm transmission to the fire department shall meet the standards of one of the following: NFPA 71 (1985); NFPA 72B (1979); NFPA 72C (1985); or, NFPA 72D (1979).
- v) If an automatic fire suppression system is not installed, fire extinguishers meeting the requirements of Section 170.145 shall be installed and maintained at each island and at the master electrical shut-off. Cabinets, or other enclosures for extinguishers, shall not require breaking of glass or other act(s) which could injure users attempting to access the extinguishers; doors, panels and local alarm systems may be provided at the owner's option.

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- 5) At all times instructions shall be posted in all weather materials by each actuator. These instructions shall be mounted not less than four feet nor more than six feet six inches from the bottom of the sign to the ground, and give the following information in letters not less than 1" in height:
- No smoking
 - Turn off engine
 - Containers for gasoline must be red.
 - Containers for kerosene must be blue. It is dangerous and unlawful to fill unapproved containers with gasoline, diesel or kerosene. All containers must be metal or stamped with the marking "Conforms to or meets ANSI/ASTM D3435-83", or "UL" or "FM".
 - In case of fire or spill use emergency shut-off (or stop) button located at (owner must insert the locations of the emergency shut-offs); Master Electrical Shut-off transmits fire alarm to fire department.
- b) Inventory records must be maintained and available for inspection by personnel of the Office. Applications for unattended self-service shall contain the name(s), address(es) and telephone number(s) of the person(s) the Office can contact for the inventory Emergency reconciliations.
- Emergency reconciliations shall be available on two hours notice by telephone or in person.
 - Records must be maintained showing the date, time of purchase (or delivery), amount of product, type of product, and name (or account number which can identify a name) for other than coin and currency sales for each purchase or delivery of product. Records must be maintained for one year and be available in the same manner as inventory records. These records may be maintained electronically, provided that the owner or operator can provide a printout when requested.
 - Dispensing devices or actuators must limit the delivery of product in such a manner as to require the reactivation of the latch open (hold-open) device to the following:
 - Motor vehicle fuels (Class I, II and III)
 - Class I liquids (gasoline, gasahol, ethanol, motor fuel blends) - maximum 50 gallons.
 - Class II and III liquids (diesel fuel) - maximum 250 gallons.
 - Kerosene (grade K-1 only) - 6 gallons.
 - Other Class I, II and III liquids - 6 gallons.
 - When kerosene is to be dispensed at unattended service stations, only grade K-1 kerosene shall be dispensed. All dispensing shall be from underground tanks. Kerosene dispensers shall not be located on the same island with other Class I, II or III liquids. Labeling of dispensers shall comply with the Space Heating Safety Act [425 ILCS 65] ~~§§ 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100~~ § 1-10.

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- e) The Office of the State Fire Marshal shall, for failure to comply with these rules, for violation thereof, or for violation of any applicable federal, state or local laws, statutes, ordinances, rules or regulations, refuse to issue, refuse to renew or suspend or revoke a self-service station permit. The Office of the State Fire Marshal shall revoke such permit for flagrant, repeated and/or serious violations of these rules. The Office of the State Fire Marshal shall serve notice of such refusal, suspension or revocation on the applicant for or holder of such permit by personal service or by certified or registered mail. The applicant for or holder of such permit may, within 10 days after notice of such refusal, suspension or revocation is served, file in the Office of the State Fire Marshal written request for a hearing. Such hearings shall be governed by Article 10 of the ~~Illinois Administrative Procedure Act [5 ILCS 100/Art. 10]~~ §§ 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100. Any order or decision made by the Office of the State Fire Marshal based upon such hearing shall be an "administrative decision" within the meaning of the Administrative Review Law [735 ILCS 5/Art. 3]. ~~§§ 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 1-46, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-76, 1-77, 1-78, 1-79, 1-80, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-99, 1-100~~ § 1-10.

(Source: Amended at 20 Ill. Reg. 4698, effective 1/1/2000)

SUBPART B: UNDERGROUND STORAGE TANKS--TECHNICAL REQUIREMENTS

Section 170.546 UST Restrictions at Service Stations

- Service station storage shall be underground, and the capacity of any single underground storage tank for petroleum shall not exceed 20,000 gallons. (See 41 Ill. Adm. Code 180 "Storage, Transportation, Sale and Use of Gasoline and Volatile Oils" for exclusions.)
- The total aggregate storage at service stations of petroleum shall be limited by the ability to achieve and maintain clearances to basements, sewers, property lines and special classes of property, in accordance with Sections 170.420 and 170.422, and clearance between tanks is a minimum of 12 inches.

(Source: ~~Amended at 1988~~ 4698, effective 1/1/2000)

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1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils

2) Code Citation: 41 Ill. Adm. Code 180

3) Section Numbers: Adopted Action:

180.10 Amend

180.20 Amend

180.22 Amend

180.23 New Section

4) Statutory Authority: Section 2 of the Gasoline Storage Act (430 ILCS 15/2)

5) Effective Date of Rulemaking: March 11, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: March 8, 1996

9) Notice of Proposal Published in Illinois Register: November 3, 1995, 19 Ill. Reg. 15139

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: At Section 180.10, "NTPA" and "U.L." the Office removed the dashes and replaced them with the word "means."

At Section 180.22(a)(1), the Office changed "approved" to "evaluated".

At Section 180.22(a)(1), the Office inserted, "All applications for tank permits shall first be evaluated by the Division for location and shall include the OSGM permit application and all installation drawings. Upon preliminary approval from the Division, the OSGM will review the proposed installation application and plan drawings for completeness and for compliance with this Part." after "Marshal".

At Section 180.22(a)(3), the Office added, "(which may include, but not be limited to, any compromise of safety or environment rules, regulations, or requirements)" after "cause".

At Section 180.22(a)(4), the Office revised the proposed language by deleting it and inserting the following:

"Aboveground tanks must be located behind the setback lines established by the IDOT Aviation Safety Rules (92 Ill. Adm. Code 14.660, 14.665, and

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14.680; Appendices B and C; and Table B). In addition, all airports that have received federal funds must comply with all applicable grant obligations and assurances. The Division may deny a permit if the proposed facility would cause noncompliance with federal grant requirements. The Division may allow dispensing facilities to be located within the applicable setback lines if it finds such location will not pose a threat to safety or operations at the airport."

The Office inserted a new subsection (6) at Section 180.22(a)(6) as follows:

The Division may, by its own rules, establish other criteria for its approval, alteration, denial, or revocation of permits required by this Section."

The subsequent subsections were renumbered accordingly.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: By this Notice of Adopted Amendments, the Office is updating this Part by, among other things, amending Part 180 to include definitions pertinent to airport facility fuel dispensing. Section 180.10 now include definitions of "aircraft", "airport", "aviation fuel", and the identification of the term "Division" as the Illinois Department of Transportation's (IDOT's) Division of Aeronautics. The Office is also amending Section 180.20 pertaining to the dispensing of fuel from aboveground storage tanks to allow for such dispensing on a retail basis at airports.

This Part currently restricts the installation and use of aboveground storage tanks when used to dispense fuel into motor vehicles. Additionally, the rules currently prohibit the use of aboveground storage tanks for motor vehicle fuel dispensing at sites that are open to the public. This Part does not presently list airports among the facilities where aboveground dispensing is allowed. This Part allows fueling to be done from an aboveground storage tank at agricultural storage sites limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards; commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business; and, finally, on construction sites when used for refueling construction equipment.

The Office is also adding a new Section, Section 180.22, which addresses

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retail dispensing from aboveground tanks at airports. Section 180.22 requires that airports proposing the installation of such aboveground fuel dispensing storage tanks receive special permit approval from the Illinois Department of Transportation's Division of Aeronautics as well as the Office of the State Fire Marshal. The new provisions require that both agencies inspect and approve such installation initially, with an annual inspection required by the Division of fueling from aboveground storage tanks at airports be accomplished by individuals certified by the Division of Aeronautics in the proper fueling of aircraft. Additionally, this Section specifies requirements for the installation and operation of aboveground fuel dispensing tanks at airport facilities, by:

limiting installation to a maximum to two (2) such tanks per family, with a maximum storage capacity of 10,000 gallons per tank, and, therefore, 20,000 gallons per facility. This proposed increase in storage capacity at airports, when compared with currently allowed storage capacities of 5,000 total gallons at other aboveground dispensing installations is based upon the fuel capacity needs of aircraft in comparison to automobile/trucks, as well as the agency's consideration of comments from potential owners of such aboveground airport fueling tanks that an "economy of scale" issue is pertinent since additional costs are incurred by the tank owner when truck loads of under 8,000 gallons are delivered;

setting specific setback distances between aboveground fuel storage tanks and mines, places of public assembly, buildings, sewer or septic fields, property lines, and other flammable or combustible stored liquids;

requiring that such aboveground dispensing tanks be listed in accordance with Underwriter's Laboratories Standard #2085 Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids. This standard requires that tanks be provided with a minimum fire resistance rating of 2-hours;

requiring that used aboveground storage tanks be re-certified before re-use through specified acceptable methods including hydrostatic testing, recertification by the original tank manufacturer, or documentation by registered professional engineer; requiring that the tanks be equipped with secondary containment, overfill protection and spill containment devices;

requiring that the tanks be equipped with regular and emergency venting;

requiring that permanently connected pumping devices listed by Underwriter's Laboratory of Factory Mutual Engineering be used in such installations;

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requiring the proper electrical grounding of aircraft during fueling operations;

requiring that aboveground storage tanks be marked with the type of product they contain in letters and signs of prescribed size;

requiring that fueling locations have proper fire safety warning signs; requiring that fueling locations be equipped with fire extinguishers of prescribed types and capacities;

limiting dispenser control devices to those activated by keys or cards, and specifically prohibiting the use of coins or currently as a method of activation; and

requiring pumping and dispensing devices to meet all calibration and metering requirements of the Illinois Department of Agriculture and the Illinois Department of Revenue.

Section 180.23 is added to allow the fueling of aircraft facilities to be done from tank trucks if the operation is conducted in accordance with National Fire Protection Association Standard #407 Standard for Aircraft Fuel Servicing (1990 edition). Fueling of vehicles from tank trucks is strictly regulated by 41 Ill. Adm. Code 170 "Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances" Specifically, Section 170.210 did not recognize aircraft at airport facilities as a type of vehicle that may be fueled via tank truck. Therefore, in consideration of the amendment to Part 180 that would allow aircraft to be fueled from a tank truck, a corresponding modification is adopted to Section 170.210 to identify aircraft at airport facilities as being included among the types of vehicles that are allowed to be fueled from a tank truck.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Jack Ahern
Deputy State Fire Marshal
Office of the State Fire Marshal
100 West Randolph Street, Suite 11-800
Chicago, Illinois 60601
312-814-2693

The full text of the Adopted Amendment begins on the next page:

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9† "Flammable liquid" means a liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 lbs. per sq. in. (absolute) at 100° F. Any flammable liquid shall be known as a Class I liquid; Class I liquids shall be subdivided as follows:

- 1† Class IA shall include those having flash points below 73° F and having a boiling point below 100° F;
- 2† Class IB shall include those having flash points below 73° F and having a boiling point at or above 100° F; and
- 3† Class IC shall include those having flash points at or above 73° F and below 100° F.

4† "Flash point" means the minimum temperature at which a liquid gives off vapor in sufficient concentration to form an ignitable mixture with air near the surface of a liquid within the vessel, as specified by test procedure and apparatus as follows:

- 1† The flash point of a liquid having a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100° F and a flash point below 200° F shall be determined in accordance with ASTM D 56-87r (Standard Method of Test for Flash Point by the Tag Closed Tester Standard-Method-of-Test-for-Flash-Point-by-the-Tag-Closed-Tester (1987));

- 2† The flash point of a liquid having a viscosity of 45 SUS or more at 100° F or a flash point of 200° F or higher shall be determined in accordance with ASTM D 93-85 (Standard Method of Test for Flash Point by the Pensky-Martens Closed Tester Standard Method-of-Test-for-Flash-Point-by-the-Pensky-Martens-Closed Tester) (1985);

- 3† As an alternate, ASTM D 3828-87E1 (Test Method for Flashpoint by Setaflash Closed Tester Test-Method-for-Flashpoint-by-Setaflash Closed-Tester) (1987) may be used for testing aviation turbine fuels within the scope of this procedure;

- 4† As an alternate, ASTM D 3278-87E1 (Test Method for Flash Point of Liquids by Setaflash Closed-Cup Apparatus Test-Method-for-Flash Point-of-Liquids-by-Setaflash-Closed-Cup-Apparatus) (1987) may be used for paints, enamels, lacquers, varnishes, and related products and their components having flash points between 32° F and 230° F, and having a viscosity lower than 150 Stokes at 77° F; or

- 5† As an alternate alternate, ASTM D 3828-87E1 (Test Method for Flashpoint by Setaflash Closed Tester Test-Method-for-Flashpoint

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by-Setaflash-Closed-Tester) (1987) may be used for materials other than those for which specific Setaflash Methods exist (cf., ASTM D3278-87E1 (Test Method for Flash Point of Liquids by Setaflash Closed-Cup Apparatus Test-Method-for-Flash-Point-of-Liquids-by-Setaflash-Closed-Cup-Apparatus) (1987) for paints, enamels, lacquers, varnishes, related products and their components).

- 1† "Liquid" means material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM D-5-86 (Test for Prevention for Bituminous Materials Test-for-Prevention-for Bituminous-Materials) (1986). When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.

- 2† "NFPA" means --- National Fire Protection Association.

"U.L." means Underwriters Laboratories, Inc.

(Source: Amended at 20 Ill. Reg. **4711**, effective MAR 11 1986)

Section 180.20 Aboveground Storage - Dispensing

- a) Storage of Class I, II or III liquids (except kerosene) shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170 except aboveground storage for dispensing may occur at the following facilities under the following circumstances:

- 1) Agricultural storage, which is limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards;
- 2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business;

- 3) Storage at construction sites for refueling construction equipment; or

- b) Dispensing at the facilities specified in subsection (a)(2) or 7 (3) ~~or (4)~~ shall only be in accordance with the following:

- 1) An ~~After-an~~ inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal (approval shall be granted if curb pumps are not present and if pumps are not located in any portion of a public roadway);
- 2) The dispensing is done on premises not open to the public;
- 3) The tanks are safeguarded against collision, spillage or overflow to the satisfaction of the authorities having jurisdiction;
- 4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal; in granting such approval, the Office shall consider the following elements: leaks, compatibility of the tank and line with the

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product contained in the tank, whether any equipment has been recalled by the manufacturer, whether wiring at the dispensing location is in a rigid metal conduit within a radius of 30 feet and is otherwise in compliance with the National Electric Code National-Electric-Code (NFPA 70) 1987 (no subsequent dates or editions) and whether the dispensing location has seal-offs at all connections;

- 5) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
- 6) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. There-such vent shall have a minimum unobstructed opening of one and one-half inches in diameter and the vent shall be elevated to a height of at least four feet (unless directed in writing by the Office of the State Fire Marshal to a greater height, based on construction characteristics of the tank and fire safety considerations) or unless in-which approval in writing for a lower height is granted by the Office of the State Fire Marshal, such-approval-to-be based upon construction characteristics of the tank in question or unique physical conditions that prevent a vent of that height from being installed;

- 7) Tanks shall be equipped with a permanently connected pumping device listed by Underwriters Laboratories (UL) (as printed on page 4 of the Fire Protection Equipment Directory Fire-Protection Equipment-Directory published by Underwriters Laboratories, January, 1988 (no subsequent dates or editions)) or FM Engineering (as printed on page ii of the Factory Mutual System Approval Guide Factory-Mutual-System-Approval-Guide 1989 published by Factory Mutual Research Corporation, 1989 (no subsequent dates or editions)). There-the pump shall be equipped with a padlock to prevent tampering. An-en antiphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited. Gravity--gravity method of discharge is prohibited;

- 8) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product which they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked;

- 9) Except as provided in Section 180.22 of this Part, a maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided such liquid is stored outside buildings in a tank(s) constructed throughout of steel and made vapor tight (as determined by such tests as a pressure test and volumetric test). Tanks--tanks shall be designed and constructed according to standards specified in 41 Ill. Adm. Code 160.15, 160.70-160, 160.80-240; and

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- 10) Tanks ~~as provided in this subsection~~ shall be kept outside and at least 30 feet from any building, or combustible or flammable stored liquid, or liquid petroleum and shall be so located, or such additional distance to buildings shall be provided, to insure that no vehicle, equipment or vessel being filled directly from any such tank shall be closer than 30 feet to any building, combustible or flammable stored liquid, liquid petroleum (LP) gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure (the time, in minutes or hours, that materials or assemblies have withstood a fire exposure as established in accordance with the test procedures of NFPA 251, Standard Methods of Fire Tests of Building Construction and Materials Standard-Methods-of-Fire-Tests-of-Building-Construction and-Materials, 1985 (no subsequent dates or editions)) may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal, and the Office has issued an approval acknowledgement in writing;

- c) Dispensing at facilities specified in subsection (a)(1) shall only be in accordance with the following:

- 1) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked;
- 2) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation; such vent shall have a minimum unobstructed opening of one and one-half inches in diameter;
- 3) Tanks shall be equipped with a permanently connected pumping device; the pump shall be equipped with a padlock to prevent tampering; an effective antiphoning device shall be included in the pump discharge, and siphons or internal pressure discharge devices are prohibited;
- 4) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product which they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked; and
- 5) A maximum of two aboveground tanks per facility of up to 2,500 gallons each shall be allowed for storage of flammable or combustible liquids, provided any such liquid is stored outside buildings in a tank constructed throughout of steel and made vapor tight.

- d) Storage of kerosene inside buildings.

- 1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers which meet the requirements of NFPA 30 (Flammable and Combustible Liquids Code Flammable-and-Combustible-Liquids-Code) (1987).
- 2) Sixty gallons or less may be stored in an aboveground tank at a facility for retail trade within a building, providing storage is

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in compliance with the following:

- A) Storage is in a tank of at least 14 gauge steel or aluminum;
 - B) Tank shall sit in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front;
 - C) The tank shall be located on the first floor in an area supplied with natural light and ventilation;
 - D) The room or area where the tank is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test Fire-Endurance-Test) (1989);
 - E) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the kerosene;
 - F) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in contrasting color.
- 3) Sixty gallons or less may be stored in a metal drum at a facility for retail trade within a building, providing storage is in compliance with the following:
 - A) The metal drum shall be stored in a storage cabinet that meets the requirements of 49 CFR Chapter I (1987);
 - B) The storage cabinet shall sit in a metal pan extending at least eight inches beyond the sides and rear of the storage cabinet;
 - C) The room or area where the storage cabinet is located shall be separated from any heat producing appliance, such as a hot water heater, furnace or space heater (radiators and hot air ducts are not considered heating appliances for this purpose), by one hour fire resistance as defined in ASTM E-119 (Fire Endurance Test Fire-Endurance-Test) (1989 #980); and
 - D) The design and construction of storage cabinets, except as otherwise provided in this subsection (d)(3), shall be in compliance with 4-3 of NFPA 30 (Flammable and Combustible Liquids Code Flammable-and-Combustible-Liquids-Code) (1987).
 - 4) Factory-sealed containers of 1-K grade kerosene may be stored at a facility for retail trade within a building in compliance with ASTM F 976-86 (Portable Kerosene Containers for Consumer Use Portable-Kerosene-Containers-for-Consumer-Use) (1986) and 4-5.5 of NFPA 30 (Flammable and Combustible Liquids Code Flammable-and-Combustible-Liquids-Code) (1987).
 - e) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170 41-III-Adm--Code-160-and-170, except a maximum of 550 gallons of kerosene may be kept aboveground at a

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facility (including at service stations) in a tank or tanks of 550 gallons or less capacity under the following conditions:

- 1) When located at a service station, the dispensing tank shall be in a location at least eight feet away from driveways and other areas used by vehicles for customers or to deliver products;
 - 2) The dispensing nozzle or spigot of the tank shall be spring loaded so as to return to the off position when pressure is stopped and so that pressure is constantly required to cause release of the product;
 - 3) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel, and kept free of vegetation and combustible material;
 - 4) The tank shall be blue in color and marked with the word "Kerosene" in letters at least two and one-half inches high in a contrasting color;
 - 5) The dispensing nozzle or spigot of the tank shall be locked when the kerosene is not being dispensed; and
 - 6) The kerosene may only be dispensed by the owner, lessor or lessee of the facility; or their employees; no self-service of kerosene from an aboveground tank shall be allowed.
- f) Kerosene Labeling.
 - 1) A sign with the following caution shall be posted at the point of sale and the dispensing point: "Caution Portable Unvented Kerosene Heaters Must Only Be Fueled With Grade 1-K Kerosene." This sign shall be of all-weather material and not less than 12" x 18" in size with letters at least one inch high on a contrasting background; and
 - 2) Where other grades of kerosene than 1-K are offered for sale, the grade of kerosene shall be identified at the point of sale or dispensing.
 - g) Any spill of Class I, II or III liquids in excess of 25 gallons at any facility at which they may be dispensed pursuant to this Section ~~199-207~~ shall be reported to the Illinois Emergency Management ~~Services-and-Disaster~~ Agency within 24 hours ~~after~~ of such spill.

(Source: Amended at 20 Ill. Reg. 4711, effective MAR 11 1986)

Section 180.22 Retail Dispensing from Aboveground Tanks at Airports

- a) Only those airports regulated by the Illinois Department of Transportation, Division of Aeronautics that have received special permit approval from the Division and the State Fire Marshal and that are open to the public shall be allowed to dispense fuel for retail purposes from aboveground storage tanks into aircraft. Subject to the following, only one aboveground retail dispensing installation shall be allowed per airport:

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- 1) All tanks and dispensers shall be inspected and evaluated by the Division and the Office of the State Fire Marshal. All applications for tank permits shall first be evaluated by the Division for location and shall include the OSFM permit application and all installation drawings. Upon preliminary approval from the Division, the OSFM will review the proposed installation application and plan drawings for completeness and for compliance with this Part. An annual inspection by the Division will be required for continued approval.
- 2) Where applicable, all installations shall receive documented approval from the local jurisdictional authority (i.e., Zoning Board, Board of Supervisors) prior to installation.
- 3) All retail fueling shall be accomplished by individuals certified by the Division as being currently trained in the proper fueling of aircraft. The certificate shall be for a limited period of time and may be revoked for good cause (which may include, but not be limited to, any compromise of safety or environmental rules, regulations, or requirements) by either the Office of the State Fire Marshal or the Division. All passengers and crew are required to deplane prior to refueling.
- 4) Aboveground tanks must be located behind the setback lines established by the IDOT Aviation Safety Rules (92 Ill. Adm. Code 14.660, 14.665, and 14.680; Appendices B and C; and Table B). In addition, all airports that have received federal funds must comply with all applicable grant obligations and assurances. The Division may deny a permit if the proposed facility would cause noncompliance with federal grant requirements. The Division may allow dispensing facilities to be located within the applicable setback lines if it finds such location will not pose a threat to safety or operations at the airport.
- 5) The Division may, by its own rules, establish other criteria for its approval, alteration, denial, or revocation of permits required by this Section.
- 6) No installation shall include more than two tanks with a total capacity of 10,000 gallons each or more than two compartments per tank. Such tanks shall have double walls and be listed in accordance with U.L. Standard 2085, Standard for Insulated Aboveground Tanks for Flammable and Combustible Liquids (1st edition - 1994), for aboveground use. The tanks shall have a minimum two hour fire rating and be placed on a noncombustible base. Used tanks must be U.L. 2085 listed and re-certified prior to installation. Allowable methods of re-certification shall include: successful completion of a hydrostatic test; documentation of re-certification by the original manufacturer; or documentation from a registered professional engineer verifying the tank's safe condition. Sites shall be free of vegetation and combustible materials for a radius of 30' surrounding the tanks. If the site is subject to flooding, the

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- 7) All containment shall be provided for dispensers. Dispensers shall be protected against floatation. Wiring shall be in accordance with the National Electrical Code (NFPA 70 - 1990) for hazardous locations and enclosed in rigid metal conduit within a radius of 30' of the tanks and dispensers shall have seal-offs at all connections.
- 8) Spill containment shall be provided for dispensers. Dispensers shall be equipped with breakaway and shear valves. Barriers shall be provided to protect the tanks, pumps, dispensers and vents from collision damage from aircraft, motor vehicles or aircraft wings by such means as raised curbs or guard rails. Aircraft fueling hose shall comply with the requirements of A.P.I. Bulletin 1529 (Fourth Edition - 1993). Hose lengths greater than 18' shall be contained on mechanically retractable reels and in no case exceed 50' unless approved by the Division and the Office of the State Fire Marshal. All dispensing nozzles must be equipped with automatic closure devices that meet the requirements of U.L. Standard 842, Valves for Flammable Liquids (7th edition - 1993), and those approved by the Federal Aviation Administration.
- 9) Storage tanks must be top filled, equipped with overflow protection and closures designed to be locked at all times during non-use. Remote tank filling shall be allowed in accordance with subsection (a)(11) of this Section.
- 10) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operations. Such vent will have a minimum unobstructed opening of one and one-half inches in diameter, but shall in no case be smaller than the fill pipe diameter. The vent shall be elevated to a height of at least four feet above the fill portion of the tank. Vent openings shall be provided with an updraft device with 40 gauge screening. Manifolding of tank vents shall not be allowed. Emergency venting shall also be provided to safeguard tanks during exposure to fire. The size of emergency venting shall be in accordance with NFPA Standard 30, Flammable and Combustible Liquids Code (1993).
- 11) Tanks shall be equipped with a permanently connected pumping device listed by Underwriter's Laboratory or Factory Mutual Engineering. The pump shall be located no further than 5 feet from the tanks and equipped with a padlock or electrical disconnect to prevent tampering, except that remote dispensing devices shall be allowable for purposes of safeguarding airport runways and areas intended for aircraft use only from the presence of tank trucks used to refuel the aboveground storage tanks at the site. In such cases, remote dispensing devices and tank fill piping shall be allowed if all other safety requirements of this Section are met. An emergency shut-off device shall be located at the dispenser. An anti-siphon device shall be installed at the pump discharge or at the tank exit. Siphons, internal pressure discharge devices, and gravity methods

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of dispensing are prohibited. No underground piping, manifold of supply lines, or connections to bulk tanks shall be allowed:

- 12) Grounding of dispenser to the aircraft and aircraft to ground must be providing during all fueling operations. Grounding cables must be contained on retractable reels and connected to 1/2" diameter copper clad grounding rods driven at least 8' into the ground;

- 13) Tanks for the storage of flammable or combustible liquids shall be marked with the name of the product they contain and "Flammable (or Combustible) - Keep Fire and Flame Away", both in letters at least four inches high and in contrasting colors from the tank. The tank shall also have signs at least 10-3/4" by 10-3/4" showing the international symbol for flammable or combustible liquids;

- 14) All fueling locations shall have "No Smoking, Stop Engines" and "Prior to Fueling Turn Off All Electrical or Heating Devices" (e.g., radar, deicing equipment) and "All Passengers and Crew Must Deplane" signs with letters at least 4" high;

- 15) At least two Class B type fire extinguishers, providing a rating of 40-B each, shall be accessible at the site within a maximum travel distance of 30' from the dispensing location. The extinguishers shall be maintained in accordance with NFPA 10, Portable Fire Extinguishers (1994). Portable extinguishers are allowed to be stored in glass covered cabinets as a deterrent to theft;

- 16) No defueling of aircraft into tanks shall be allowed;

- 17) No rooftop installations shall be allowed;

- 18) Dispenser control devices may use keys or cards to activate dispenser pumps. Coin and currency activation is prohibited;

- 19) No fueling shall be done when there are lightning flashes in the immediate vicinity of the airport;

- 20) Pumping and dispensing devices shall meet all calibration and metering requirements of the Illinois Department of Agriculture and the Illinois Department of Revenue;

- 21) All retail airport aboveground dispensing tank installations shall be owned and controlled by the airport certificate holder and may be operated by its designee.

- b) Failure to comply with the provisions of subsection (a) of this Section shall be grounds for revocation of the permit for the airport fueling facility.

(Source: Added at 20 Ill. Reg. 4711, effective MAR 1 1996)

Section 180.23 Fueling of Aircraft from Tank Trucks

Fueling of aircraft from tank trucks shall be allowed at airport facilities as defined in Section 180.10 of this Part if the tank truck and fueling operations

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are in compliance with NFPA 407, Standard for Aircraft Fuel Servicing (1990).

(Source: Added at 20 Ill. Reg. 4711, effective MAR 1 1996)

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1) Heading of the Part: Data Collections

2) Code Citation: 77 Ill. Adm. Code 2510

3) Section Numbers: Adopted Action:

2510. Appendix A Adopted

4) Statutory Authority: Section 2-3 of Article II and and Section 4-2 of Article IV of the Illinois Health Finance Reform Act (20 ILCS 2215/2-3 and 4-2)

5) Effective Date of Rulemaking: March 6, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: February 29, 1996

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 15779, November 27, 1995

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: In (15) changed word "specialized" to "special" care. Also moved "before considering any deductions" in (13), (14) and (15) from being after the word "revenue" to before the word "including." Moved the word "revenue" from after the word "service" to before the word "routine" in (13), (14) and (15). These changes were made at the suggestion of JCAR to improve the readability of these three paragraphs.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Appendix A is being amended to correct an error in (13) which was identical to (15) but should not have been.

16) Information and questions regarding this adopted amendment shall be directed to:

Britt Hagen, Associate Director
Illinois Health Care Cost Containment Council

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4500 South Sixth Street Road
Springfield, IL 62703
(217) 786-7001, extension 103

The full text of the Adopted Amendment begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER XI: ILLINOIS HEALTH CARE COST CONTAINMENT COUNCIL

PART 2510

DATA COLLECTION

Section	Purpose
2510.10	Outside Contractor
2510.20	Collection and Submission of Hospital Financial Data
2510.30	Collection of Medicaid Cost Reports
2510.40	Submission of Medicaid Cost Reports
2510.50	Collection of Information on Uniform Billing Form
2510.55	Report of Inpatient Discharges
2510.60	Quarterly Reports
2510.70	Special Studies and Analysis
2510.80	Confidentiality
2510.85	Format of the Financial Data Report
2510.90	Hospital Review

APPENDIX A	Illinois Health Care Cost Containment Council Annual Financial Data Report
APPENDIX B	UB-82 Magnetic Media Record Format
APPENDIX C	UB-82 Uniform Bill Data Fields
APPENDIX D	UB-92 Magnetic Media Record Format
APPENDIX E	UB-92 Uniform Bill Data Fields

AUTHORITY: Implementing Article IV and authorized by Section 2-3 of Article II of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. IV and 2-3].

SOURCE: Adopted and codified at 9 Ill. Reg. 12726, effective August 5, 1985; amended at 10 Ill. Reg. 18790, effective October 17, 1986; amended at 11 Ill. Reg. 1574, effective January 2, 1987; amended at 12 Ill. Reg. 6102, effective March 21, 1988; amended at 13 Ill. Reg. 334, effective December 30, 1988; amended at 14 Ill. Reg. 2078, effective January 19, 1990; amended at 16 Ill. Reg. 8980, effective June 3, 1992; emergency amendment at 16 Ill. Reg. 19210, effective November 25, 1992, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 2031, effective January 29, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 9700, effective June 10, 1993; amended at 17 Ill. Reg. 9896, effective June 10, 1993; emergency amendment at 17 Ill. Reg. 14112, effective August 10, 1993, for a maximum of 150 days; emergency expired on January 7, 1994; amended at 18 Ill. Reg. 5300, effective March 21, 1994; emergency amendment at 18 Ill. Reg. 14809, effective September 12, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16910, effective November 4, 1994; amended at 19 Ill. Reg. 1825, effective February 6, 1995; amended at 19 Ill. Reg. 9113, effective June 23, 1995; emergency amendment at 19 Ill. Reg. 15097, effective October 11, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 9472, effective MAR 6 1996.

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Section 2510. APPENDIX A Illinois Health Care Cost Containment Council Annual Financial Data Report

At a minimum, hospitals or their agents will submit the following data elements to the Council or its Agent on the electronic or hard copy instrument designated:

OPERATING REVENUES

- 1) Net patient service revenue - The estimated net realizable amounts from patients, third party payers and others for services rendered, including estimated retroactive adjustments under reimbursement agreements with third-party payers.
- 2) Other revenue - Revenue from services other than health care provided to patients, sales and services to non-patients and operations restricted contributions; including, but not limited to, the following: (i) tax appropriations that include all revenue received from local taxing bodies (e.g., city, township, county, district) which are designed for hospital operations; (ii) contributions (operations restricted) received from endowments, grants, etc., which are restricted and support operating expenditures of the hospital if the costs associated with them are included in operating expenses; and (iii) all other revenue generated from non-patient sources that are of an operating nature (i.e., cafeteria, parking lot, etc.) and operating gains.
- 3) Total operating revenue - The total of net patient service revenue and other revenue (i.e., the sum of items 1 and 2).

OPERATING EXPENSES

- 4) Bad debt expense - Amounts deemed uncollectible primarily because of a patient's unwillingness to pay as determined after collection efforts.
- 5) Total operating expenses - The sum of the following: (i) salary and wages; (ii) employee fringe benefits; (iii) professional medical fees paid to professionals for medical services; (iv) depreciation expense based on historical costs; (v) interest expense; (vi) drugs, films, solutions and medical care supplies; (vii) utility expense for fuel, water, heat, light, power and telephone service; (viii) malpractice insurance expense excluding general liability insurance or contributions to a self-insurance fund for professional liability; (ix) bad debt expense; and (x) all other operating expenses.

NON-OPERATING GAINS/LOSSES

- 6) Total non-operating gains - The classification of activities as non-operating depends on the individual health care provider. In

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general, activities generate non-operating gains to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management. Non-operating gains include, but are not limited to, the following: (i) investment income, such as funded depreciation, contributions and endowments; (ii) all contributions, gifts and bequests which are not non-restricted; and (iii) all other non-operating gains, including extraordinary gains, that are not a result of investments or contributions.

- 7) Total non-operating losses - All losses that are classified as non-operating to the extent that they result from a provider's peripheral or incidental transactions and from other events stemming from the environment that may be largely beyond the control of the provider and its management.

PATIENT CARE REVENUES

- 8) Gross inpatient revenue - Full hospital charges to inpatients for hospital services before considering any deductions for charity care or contractual allowances, including, but not limited to, the following: (i) revenue derived from the daily room charge for inpatient services such as room, board and nursing care in routine areas (e.g., medical, surgical, pediatrics, rehabilitative, etc.) and special care units (e.g., intensive care, coronary care, burn units, neonatal intensive care); and (ii) revenue derived from ancillary inpatient hospital services such as lab, x-ray, cardiology.

- 9) Gross outpatient revenue - Hospital services revenue derived from non-inpatient activities, including, but not limited to, all outpatient, clinic, day surgery, day psychiatric care, emergency room care, etc.

- 10) Other patient care revenue - Any revenue classified as patient-related which does not belong in the above inpatient or outpatient categories (e.g., home health care, in-home hospice care, etc.).

- 11) Total patient revenue - Any revenue that constitutes "total gross patient revenue" as defined in item 12 below.

- 12) Total gross patient care revenue - The total of gross inpatient revenue, gross outpatient revenue and other patient care revenue (i.e., the sum of items 8 through 10).

- 13) Medicare gross revenue - Full hospital charges derived from ~~any other~~ Medicare, before considering any deductions, including ~~but not limited to: Blue Cross/Blue Shield, commercial insurance, health maintenance organizations, and preferred provider organizations for~~ revenue resulting from routine and special care, and ancillary and outpatient services ~~before considering any deductions~~. This figure may be estimated.

- 14) Medicaid gross revenue - Full hospital charges derived from Medicaid (MAG and MANG), before considering any deductions, including revenue

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resulting from routine and special care, and ancillary and outpatient service ~~revenue--before considering any deductions~~. This figure may be estimated.

- 15) Total other gross revenue - Full hospital charges derived from any other source, ~~before considering any deductions~~, including, but not limited to, Blue Cross/Blue Shield, commercial insurance, health maintenance organizations and preferred provider organizations, revenue resulting from ~~for~~ routine and special ~~specialized~~ care, and ancillary and outpatient services ~~before considering any deductions~~. This figure may be estimated.

DEDUCTIONS FROM REVENUE

- 16) Charity care - These revenue deductions represent the aggregate of the accounts written off when it is determined that a patient is unable to pay. Charity care results from the facility's policy to provide health care services free of charge to individuals who meet certain financial criteria. Do not include costs associated with community benefits or other non-patient related services.

- 17) Medicare allowance - Revenue deductions incurred in treating Medicare patients. This figure may be estimated.

- 18) Medicaid allowance - Revenue deductions incurred in treating Medicaid patients. This figure may be estimated.

- 19) Other contractual allowances - Revenue deductions incurred in treating patients covered by Blue Cross/Blue Shield plans, commercial insurance plans, HMO/PPO contracts or other revenue deductions other than charity care, Medicare allowances and Medicaid allowances. This figure may be estimated.

- 20) Other allowances - All other deductions from revenue for items such as courtesy allowances, employee discounts, administrative writeoffs, etc.

- 21) Total deductions - The sum of charity care, Medicare allowances, Medicaid allowances, other contractual allowances and other deductions (i.e., the sum of items 16 through 20.)

ASSETS

- 22) Operating cash and short-term investments - The total of cash on hand and in banks and (unrestricted) investments estimated to be held no longer than one year.

- 23) Estimated patient accounts receivable - Patient accounts receivable adjusted for allowances and bad debts.

- 24) Other current assets - The value of all other current assets.

- 25) Total current assets - The total current assets of the hospital. This amount should include the sum of operating cash and short-term investments, estimated patient accounts receivable (net of allowances and bad debts) and other current assets (i.e., the sum of items 22 through 24).

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- 26) Total other assets - The sum of (i) the amounts included in the hospital's designated funded depreciation account; (ii) the value of property, plant, and equipment recorded on the hospital's books; (iii) any other unrestricted assets; and (iv) any restricted assets (donor or legally restricted only); less accumulated depreciation on fixed assets such as property, plant, and equipment.
- 27) Total assets - The sum of total current assets and total other assets (i.e., the sum of items 25 and 26).

LIABILITIES AND FUND BALANCES

- 28) Total current liabilities - The sum of all current liabilities using generally-accepted accounting principles as a guide including, but not limited to, the following: (i) vendor accounts payable (excluding reconciliation payments due to third party payers); (ii) current year's principal payments on long-term debt; and (iii) other current liabilities.
- 29) Long term debt - Debt whose anticipated maturity (liquidation) is in excess of one year (net of the current maturities).
- 30) Other liabilities - The value of any other non-current liabilities or deferred revenue.
- 31) Total liabilities - The sum of total current liabilities, long term debt and other liabilities.
- 32) Total liabilities and fund balances - The sum of total liabilities (item 31) and all fund balances (equity) of the hospital - including restricted as well as unrestricted funds.

(Source: Amended at 20 Ill. Reg. **4727**, effective M.D. 6 1996)

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- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) Section Numbers: Adopted Action:
 1110.40 Amendment
 1110.230 Amendment
 1110.1430 Amendment
 1110.1730 Amendment
 1110 Appendix B Amendment

- 4) Statutory Authority: Illinois Health Facilities Planning Act, 20 ILCS 3960 et. seq.

- 5) Effective Date of Rulemaking: March 22, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 7, 1996

- 9) Notice of Proposal Published in Illinois Register: June 23, 1995 at 19 Ill. Reg. 8085

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: In Section 1110.230(a)(2), sixth line, added "under normal driving conditions" after "30 minutes travel time."

In Section 1110.230(d)(3)(D), third line, changed "Applicant" to "applicant" for consistency.

In Section 1110.230(d)(5), third line, changed "other state agency" to "Other State agency" for consistency.

In Section 1110.1430(j)(1) and (j)(2), fifth and tenth lines, changed "each of the last 12 months" to "the latest 12 month period for which data is available" for clarity.

In Section 1110.1430(j)(4), changed "that a need for additional stations exists in the planning area based upon the update to the Inventory of Health Care Facilities in effect at the time of State Board consideration; or that the proposed project is in conformance with the access variance set forth in subsection (c) of this Section" to "that there are sufficient additional patients in need of the service to justify, using the

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methodology prescribed in 77 Ill. Adm. Code 1100.630(c), that the facility, at the end of the first 12 months of operation, will meet the occupancy targets set forth in 77 Ill. Adm. Code 1100.630(c)." for clarity.

In Section 1110.1730(d)(A)(iii), changed "population of" to "number of individuals in" for clarity.

Nonsubstantive editing changes recommended by JCAR were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all changes to which it agreed with the Joint Committee.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
1100.1540	Amendment	20 Ill. Reg. 4141
1110.2550	Amendment	20 Ill. Reg. 4149
1110.2710-2750	New Section	20 Ill. Reg. 4149

15) Summary and Purpose of Rulemaking: These amendments revise general review criteria in response to deficiencies noted by the Appellate Court, review general long-term care review criteria eliminating several variances, and review end stage renal disease review criteria.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Donald Jones
Address: Health Facilities Planning Board
Division of Facilities Development
525 West Jefferson, 2nd Floor
Springfield, Illinois 62761
Telephone: 217/782-3516

The full text of the Adopted Amendment begins on the next page:

TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1110

PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

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Introduction to Part 1110
Projects Required to Obtain a Permit (Repealed)

Processing and Reviewing Applications

Classification of Projects

Recognition of Services Which Existed Prior to Permit Requirements
Recognition of Non-Hospital Based Ambulatory Surgery Category of Service

Master Design Projects

SUBPART B: REVIEW CRITERIA--DISCONTINUATION

Introduction

Discontinuation--Definition

Discontinuation--Review Criteria

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Introduction

Definitions--General Review Criteria

General Review Criteria

Additional General Review Criteria

Mergers, Consolidations and Acquisitions

SUBPART D: REVIEW CRITERIA RELATING TO ALL PROJECTS INVOLVING ESTABLISHMENT OF ADDITIONAL BEDS OR SUBSTANTIAL CHANGE IN BED CAPACITY

Introduction

Bed Related Review Criteria

SUBPART E: MODERNIZATION REVIEW CRITERIA

Introduction

Modernization Review Criteria

SUBPART F: CATEGORY OF SERVICE REVIEW CRITERIA--MEDICAL/SURGICAL, OBSTETRIC, PEDIATRIC AND INTENSIVE CARE

Introduction

Medical/Surgical, Obstetric, Pediatric and Intensive Care--Definitions

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1110.530 Medical/Surgical, Obstetric, Pediatric and Intensive Care--Review Criteria

SUBPART G: CATEGORY OF SERVICE REVIEW CRITERIA--
COMPREHENSIVE PHYSICAL REHABILITATION

Section
1110.610 Introduction
1110.620 Comprehensive Physical Rehabilitation--Definitions
1110.630 Comprehensive Physical Rehabilitation--Review Criteria

SUBPART H: CATEGORY OF SERVICE REVIEW CRITERIA--ACUTE
MENTAL ILLNESS

Section
1110.710 Introduction
1110.720 Acute Mental Illness--Definitions
1110.730 Acute Mental Illness--Review Criteria

SUBPART I: CATEGORY OF SERVICE REVIEW CRITERIA--SUBSTANCE ABUSE

Section
1110.810 Introduction
1110.820 Substance Abuse--Definitions
1110.830 Substance Abuse--Review Criteria

SUBPART J: CATEGORY OF SERVICE REVIEW CRITERIA--
NEONATAL INTENSIVE CARE

Section
1110.910 Introduction
1110.920 Neonatal Intensive Care--Definitions
1110.930 Neonatal Intensive Care--Review Criteria

SUBPART K: CATEGORY OF SERVICE REVIEW CRITERIA--BURN TREATMENT

Section
1110.1010 Introduction
1110.1020 Burn--Definitions
1110.1030 Burn Treatment--Review Criteria

SUBPART L: CATEGORY OF SERVICE REVIEW CRITERIA--
THERAPEUTIC RADIOLOGY

Section
1110.1110 Introduction
1110.1120 Therapeutic Radiology--Definitions
1110.1130 Therapeutic Radiology--Review Criteria

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SUBPART M: CATEGORY OF SERVICE REVIEW CRITERIA--
OPEN HEART SURGERY

Section
1110.1210 Introduction
1110.1220 Open Heart Surgery--Definitions
1110.1230 Open Heart Surgery--Review Criteria

SUBPART N: CATEGORY OF SERVICE REVIEW CRITERIA--CARDIAC
CATHETERIZATION

Section
1110.1310 Introduction
1110.1320 Cardiac Catheterization--Definitions
1110.1330 Cardiac Catheterization--Review Criteria

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA--CHRONIC RENAL DIALYSIS

Section
1110.1410 Introduction
1110.1420 Chronic Renal Dialysis--Definitions
1110.1430 Chronic Renal Dialysis--Review Criteria

SUBPART P: CATEGORY OF SERVICE REVIEW CRITERIA--NON-HOSPITAL
BASED AMBULATORY SURGERY

Section
1110.1510 Introduction
1110.1520 Non-Hospital Based Ambulatory Surgery--Definitions
1110.1530 Non-Hospital Based Ambulatory Surgery--Projects Not Subject to This Part
1110.1540 Non-Hospital Based Ambulatory Surgery--Review Criteria

SUBPART Q: CATEGORY OF SERVICE REVIEW CRITERIA--COMPUTER SYSTEMS

Section
1110.1610 Introduction (Repealed)
1110.1620 Computer Systems--Definitions (Repealed)
1110.1630 Computer Systems--Review Criteria (Repealed)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--GENERAL
LONG-TERM CARE

Section
1110.1710 Introduction
1110.1720 General Long-Term Care--Definitions
1110.1730 General Long-Term Care--Review Criteria

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SUBPART S: CATEGORY OF SERVICE REVIEW CRITERIA--SPECIALIZED
LONG-TERM CARE

Section
1110.1810 Introduction
1110.1820 Specialized Long-Term Care--Definitions
1110.1830 Specialized Long-Term Care--Review Criteria

SUBPART T: CATEGORY OF SERVICE REVIEW CRITERIA--
MAGNETIC RESONANCE

Section
1110.1910 Introduction
1110.1920 Magnetic Resonance--Definitions
1110.1930 Magnetic Resonance--Review Criteria

SUBPART U: CATEGORY OF SERVICE REVIEW CRITERIA--HIGH LINEAR
ENERGY TRANSFER (L.E.T.)

Section
1110.2010 Introduction
1110.2020 High Linear Energy Transfer (L.E.T.)--Definitions
1110.2030 High Linear Energy Transfer (L.E.T.)--Review Criteria

SUBPART V: CATEGORY OF SERVICE REVIEW CRITERIA--POSITRON
EMISSION TOMOGRAPHIC SCANNING (P.E.T.)

Section
1110.2110 Introduction
1110.2120 Positron Emission Tomographic Scanning (P.E.T.)--Definitions
1110.2130 Positron Emission Tomographic Scanning (P.E.T.)--Review Criteria

SUBPART W: CATEGORY OF SERVICE REVIEW CRITERIA--EXTRACORPOREAL
SHOCK WAVE LITHOTRIPSY

Section
1110.2210 Introduction
1110.2220 Extracorporeal Shock Wave Lithotripsy--Definitions
1110.2230 Extracorporeal Shock Wave Lithotripsy--Review Criteria

SUBPART X: CATEGORY OF SERVICE REVIEW CRITERIA--SELECTED
ORGAN TRANSPLANTATION

Section
1110.2310 Introduction
1110.2320 Selected Organ Transplantation--Definitions
1110.2330 Selected Organ Transplantation--Review Criteria

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SUBPART Y: CATEGORY OF SERVICE REVIEW CRITERIA--KIDNEY TRANSPLANTATION

Section
1110.2410 Introduction
1110.2420 Kidney Transplantation--Definitions
1110.2430 Kidney Transplantation--Review Criteria

SUBPART Z: CATEGORY OF SERVICE REVIEW CRITERIA--SUBACUTE
CARE HOSPITAL MODEL

Section
1110.2510 Introduction
1110.2520 Subacute Care Hospital Model--Definitions
1110.2530 Subacute Care Hospital Model--Review Criteria
1110.2540 Subacute Care Hospital Model--State Board Review
1110.2550 Subacute Care Hospital Model--Project Completion

SUBPART AA: CATEGORY OF SERVICE REVIEW CRITERIA--POSTSURGICAL RECOVERY CARE
CENTER ALTERNATIVE HEALTH CARE MODEL

Section
1110.2610 Introduction
1110.2620 Postsurgical Recovery Care Center Alternative Health Care Model--Definitions
1110.2630 Postsurgical Recovery Care Center Alternative Health Care Model--Review Criteria
1110.2640 Postsurgical Recovery Care Center Alternative Health Care Model--State Board Review
1110.2650 Postsurgical Recovery Care Center Alternative Health Care Model--Project Completion

APPENDIX A Medical Specialty Eligibility/Certification Boards

APPENDIX B State and National Norms on Square Footage by Department
APPENDIX C Statutory Citations for All State and Federal Laws and Regulations Referenced in Chapter 1110

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960]

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 18498; amended at 9 Ill. Reg. 3734, effective March 6, 1985; amended at 11 Ill. Reg.

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7333, effective April 1, 1987; amended at 12 Ill. Reg. 16099, effective September 21, 1988; amended at 13 Ill. Reg. 16078, effective September 29, 1989; emergency amendments at 16 Ill. Reg. 13159, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 16 Ill. Reg. 16108, effective October 2, 1992; amended at 17 Ill. Reg. 4453, effective March 24, 1993; amended at 18 Ill. Reg. 2993, effective February 10, 1994; amended at 18 Ill. Reg. 8455, effective July 1, 1994; amended at 19 Ill. Reg. 2991, effective March 1, 1995; emergency amendments at 19 Ill. Reg. 7981, effective May 31, 1995, for a maximum of 150 days; emergency expired October 27, 1995; emergency amendment at 19 Ill. Reg. 15273, effective October 20, 1995, for a maximum of 150 days; recodified at 20 Ill. Reg. 2600; amended at 20 Ill. Reg. 4734, effective MAY 2, 1996.

SUBPART A: GENERAL APPLICABILITY AND PROJECT CLASSIFICATION

Section 1110.40 Classification of Projects

When an application for permit has been received by the State Board, the Executive Secretary shall classify the project into one of the following classifications:

- a) Emergency Classification
 - 1) Emergency projects are subject to the review process and are those construction or modification projects which are necessary because there exists one or more of the following conditions:
 - A) An imminent threat to the structural integrity of the building; or
 - B) An imminent threat to the safe operation and functioning of the mechanical, electrical, or comparable systems of the building.
 - 2) Since the State Board recognizes that applications for emergency projects must be processed as expeditiously as possible, all applications will be reviewed in accordance with the following review criteria:
 - A) the project is indeed an emergency project as defined in subsections (a)(1)(A) or (B) above; and
 - B) failure to proceed immediately with the project would result in closure or impairment of the inpatient operation of the facility; and
 - C) the emergency conditions did not exist longer than 30 days prior to requesting the emergency classification.
- b) Non-Substantive Review Classification. Non-substantive projects are those establishment, construction, modification or equipment projects which consist solely of the characteristics detailed in this subsection. Applications shall be evaluated only against the review criteria set forth below.

Applicable Project Type	Review Criteria
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Establishment of long-term care facilities licensed by the Department of Children and Family Services
 Section 1110.230 and Part 11207-1230-~~or~~-1240 ~~as-applicable~~

Discontinuation of beds or category of service
 Section 1110.130 and Part 11207-1230-~~or~~-1240 ~~as-applicable~~

Developmentally Disabled Categories of Service
 Section 1110.230(a), (b), (c), (d), (e), (f), (g);
 Section 1110.320(b) ~~for~~;
 Section 1110.1830(a), (b), (c), (d), (e), (f), (h), (i), (j); and Part 11207-1230-~~or~~-1240-~~as-applicable~~

Acute Care Beds Certified for Extended Care Category of Service as defined by the Health Care Financing Administration (42 CFR 405.471 (1987))
 Section 1110.230(a), (b), (c), (d), (e), (f), (g) and Part 11207-1230-~~or~~-1240-~~as-applicable~~

Chronic Renal Dialysis Category of Service
 Section 1110.230(a), (b), (c), (d), (e), (f), (g);
 Part 1110.1430; and Part 11207-1230-~~or~~-1240 ~~as-applicable~~

Residential units and apartments
 Section 1110.230(a), (b), (c), (d), (e), (f), (g) and Part 11207-1230-~~or~~-1240-~~as-applicable~~

Computers
 Section 1110.230(b), (e), (f), (g);
 Section 1110.420(b); and part 11207-1230-~~or~~-1240-~~as-applicable~~

Projects intended solely to provide care to patients suffering from Acquired Immunodeficiency Syndrome (AIDS) or related disorders such as AIDS Related Complex (ARC)
 Section 1110.230; Section 1110.420; and Part 11207-1230-~~or~~-1240-~~as-applicable~~

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Projects to comply with Life Safety Code requirements

Section 1110.230(e) and (g); Section 1110.420(a) and (b); and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Parking Facilities

Section 1110.230(g), ~~(f)~~ and (e) and Section 1110.420(b), Part 1120

Restaurants, cafeterias, snack bars and all other non-patient dining areas

Section 1110.230(g) and (e); Section 1110.420(b); and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Chapels

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Telephone systems

Part ~~Parts~~ 1120--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Administration and offices

Section 1110.230 (e) and (g) and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Giftshops and newsstands

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Auditoriums, student housing and classrooms

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Modernization of structural components (roof replacement, housing and classrooms, masonry work, etc.)

Section 1110.230(g) and (e); Subpart E; and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Boiler repair or replacement (does not include boiler plant)

Section 1110.230 (e) and (g); Section 1110.420(b); and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Replacement of equipment with comparable equipment to be utilized for a similar purpose

Section 1110.230 (e) and (g); Section 1110.420(b); and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Loading docks

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

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Capitalized projects which are considered basically maintenance such as carpeting, tile replacement or furniture purchase

Section 1110.230 (g); Section 1110.420(b); and Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Emergency transportation equipment

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Air conditioning

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

Bridges, tunnels, walkways, elevators or any structure designed to provide access between or through existing buildings

Part ~~Parts~~ 1120~~7~~--~~1230~~--~~or~~--~~1240~~--~~as applicable~~

c) Substantive Review Classification. All projects that do not include components specified in subsection (b) shall be subject to review and shall be classified substantive unless they are found to be emergency projects as delineated in subsection (a) above.

d) Classification of projects with both non-substantive and substantive components. Projects which include both substantive and non-substantive components shall be classified as substantive.

e) Classification Appeal. Appeal of any Classification may be made to the State Board at the next scheduled State Board meeting.

(Source: Amended at 20 Ill. Reg. 4734, effective 1/1/82)

SUBPART C: GENERAL REVIEW CRITERIA APPLICABLE TO ALL PROJECTS OTHER THAN DISCONTINUATION

Section 1110.230 General Review Criteria

a) Location--Review Criterion

- 1) The applicant must document that the primary purpose of the proposed project will be to provide care to the residents of the planning area in which the proposed project will be physically located. Documentation for existing facilities shall include patient origin information for all admissions for the last 12 months. Patient origin information must be presented by zip code and be based upon the patient's legal residence other than a health care facility for the last six months immediately prior to admission. For all other projects for which referrals are required to support the project, patient origin information for the referrals is required. Each referral letter must contain a certification by the health care worker physician that the representations contained therein are true and correct. A complete set of the referral letters with original notarized

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signatures must accompany the application for permit. shall consist of market studies of the area indicating the characteristics of the population to be served.

- 2) The applicant must document that the location selected for a proposed project will not create a maldistribution of beds and services within the planning area. Maldistribution is typified by such factors as: a ratio of beds to population (population will be based upon the most recent census data by zip code), within 30 minutes travel time under normal driving conditions of the proposed facility, which exceeds one and one half times the State average; an average utilization rate for the last 12 months for the facilities providing the proposed service(s) within 30 minutes travel time under normal driving conditions of the proposed project which is below the Board's target occupancy rate; or the lack of a sufficient population concentration in an area to support the proposed project. excessive travel time to reach services, unusual patient migration patterns and excessive physical distance to alternative providers. Documentation shall consist of location and travel times to other providers, population concentrations within the planning area and proposed market for service.

- b) Ancillary and Supporting Services--Review Criterion. The applicant must document that the scope and size of all ancillary and support services related to the proposed project comply with the Agency's licensure requirements. Documentation shall consist of a summary of all ancillary and support services and a comparison of existing size or proposed size to licensure requirements.

- c) Staffing--Review Criterion

- 1) All applicants must document: that that the supply of manpower currently available in the area is sufficient to meet the health service needs in that area. Documentation should include, but is not limited to, letters from employment services in the area indicating the number of potential health care employees on their rolls, letters from local health departments, in whose jurisdiction the applicant is located, indicating the availability of licensed personnel in the planning area, actual applications for employment on file with the applicant, and surveys performed by persons other than the applicant regarding the availability of manpower. Documentation should include, but is not limited to, letters of verification from other health facilities and organizations in the area including any surveys done by such facilities and organizations on manpower availability and

- 2) Any applicant proposing a Long-Term Care Category of Service must document:

- A) An adequate supply of health manpower exists within the planning area. Documentation shall consist of evidence that less than 20% of area facilities have been cited for

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staffing deficiencies by the Department of Public Health in its licensure inspections over the last two year period; and that that the required staffing levels under applicable licensure and Federal Medicare and Medicaid title XVIII title XIX certification regulations will be met.

- d) Background of Applicant--Review Criterion. When the applicant or proposed operator of the proposed project are operating or have operated health care facilities previously, the applicant must document compliance with licensure requirements. Documentation must show an absence of two or more serious violations in each facility operated during the last five years. Serious violations means a type A or type B violation pursuant to 47 tit. Adm. Code 300, 330, 350, or 360; in a long-term care facility licensed by the Department; in other facilities serious violation means an action taken to repeat licensure or certification; each history of operation must contain citations for operational deficiencies; any suspension or termination action; any contested licensure action and the outcome of all such actions.

- 1) The applicant shall demonstrate that it is fit, willing and able, and has the qualifications, background and character to adequately provide a proper standard of health care service to the community. In evaluating the fitness of the applicant, the State Board shall consider whether adverse action has been taken against the applicant, or against any health care facility owned or operated by the applicant, directly or indirectly, within three years preceding the filing of the application.

- 2) For purposes of this subsection:

- A) "Adverse action" means conviction of any felony or any misdemeanor involving fraud or dishonesty; any supervision, probation, suspension, revocation, termination, or denial of a license or certificate or registration; imposition of a conditional license; termination or suspension from participation in any program involving payment authorized under Title XVIII (Medicare) or Title XIX (Medicaid) of the Social Security Act, as amended; or denial, suspension, revocation or termination of accreditation by an nationally recognized organization.

- B) A health care facility is considered "owned or operated" by every person or entity which, within the three years preceding the filing of the application, owns, directly or indirectly, an ownership interest as specified in this subsection.

- C) "Ownership interest" means any legal or equitable interest, including any interest arising from a lease or management agreement, which gives rise to participation in profits or losses, or which gives rise to the exercise or implementation of any decision-making authority respecting the operations or finances of the health care facility.

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- i) In the case of an individual, "ownership interest" includes any interest owned or exercised, directly or indirectly, by or for the individual's spouse or children.
- ii) In the case of a partnership, "ownership interest" includes any interest owned or exercised, directly or indirectly, by or for any general partner, and the partnership is considered to be owned by all of its general partners.
- iii) In the case of a limited liability company, "ownership interest" includes any interest owned, directly or indirectly, by or for any member or partner, and the limited liability company is considered to be owned by all of its members or partners.
- iv) In the case of an estate, "ownership interest" includes any interest owned or exercised, directly or indirectly, by any beneficiary, and the estate is considered to be owned by all of its beneficiaries.
- v) In the case of a trust, "ownership interest" includes any interest owned or exercised, directly or indirectly, by any beneficiary, and the trust is considered to be owned by all of its beneficiaries.
- vi) In the case of a corporation, "ownership interest" includes any interest owned, directly or indirectly, by or for any principal shareholder, member, director or officer, and the corporation is considered to be owned by its principal shareholders, members, directors and officers.
- D) "Principal shareholder" means
- i) In the case of a corporation having 30 or more shareholders, a person who, directly or indirectly, beneficially owns, holds or has the power to vote 5% or more of any class of securities issued by the corporation.
- ii) In the case of a corporation having fewer than 30 shareholders, a person who, directly or indirectly, beneficially owns, holds or has the power to vote 50% or more of any class of securities issued by the corporation, or any member of any group of five or fewer shareholders which, directly or indirectly, beneficially own, hold or have the power to vote 80% or more of any class of securities issued by the corporation.
- E) If any person or entity owns any option to acquire stock, such stock shall be considered to be owned by such person or entity.
- 3) Examples of facilities owned or operated by the applicant:
- A) The applicant, Partnership ABC, owns 60 percent of the

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- shares of Corporation XYZ which manages the Good Care Nursing Home under a management agreement. The applicant, Partnership ABC, owns or operates Good Care Nursing Home.
- B) The applicant, Healthy Hospital, a corporation, is a subsidiary of Universal Health, the parent corporation of Healthcenter ASTC, its wholly-owned subsidiary. The applicant, Healthy Hospital, owns and operates Healthcenter ASTC.
- C) Dr. Wellcare is the applicant. His wife is the director of a corporation which owns a hospital. The applicant, Dr. Wellcare, owns or operates the hospital.
- D) Drs. Faith, Hope and Charity own 10%, 35%, and 10%, respectively, of the shares of Healthfair, Inc., a corporation, which is the applicant. Dr. Charity owns 45% and Drs. Well and Care each own 25% of the shares of XYZ and operates XYZ Nursing Home, Inc.
- 4) Documentation to be submitted shall include:
- A) A listing of all health care facilities owned or operated by the applicant, including licensing, certification and accreditation identification numbers, if applicable;
- B) proof of current licensure and, if applicable, certification and accreditation of all health care facilities owned or operated by the applicant;
- C) a certification from the applicant listing any adverse action taken against any facility owned or operated by the applicant during the three (3) years prior to the filing of the application.
- D) authorizations permitting the State Board and Agency access to information in order to verify any documentation or information submitted in response to the requirements of this subsection or to obtain any additional documentation or information which the State Board or Agency finds pertinent to this subsection. Failure to provide such authorization shall constitute an abandonment or withdrawal of the application without any further action by the State Board.
- 5) If during a given calendar year, an applicant submits more than one application for permit, the documentation provided with the prior application may be utilized to fulfill the data requirements of this rule. In such cases, must state that the information has been previously provided to the State Agency, cite the project for the prior application, and certify that no changes have occurred regarding the information which has been previously provided.
- 6) In addition to documentation submitted by the applicant, the State Board and Agency shall review the official records of the State Agency, other State agencies, and, where applicable, those of other states, respecting licensure and certification, and

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shall review the records of nationally recognized accreditation organizations to determine compliance with the requirements of this subsection.

- e) Alternatives to the Proposed Project--Review Criterion. The applicant must document that the proposed project is the most effective or least costly alternative. Documentation shall consist of a comparison of the proposed project to alternative options. Such a comparison must address issues of cost, patient access and financial benefits in both the short and long-term. Alternatives must include, but are not limited to: purchase of equipment, leasing or utilization (by contract or agreement) of other facilities, development of freestanding settings for service and alternate settings within the facility.

- f) Need For the Project--Review Criterion. The project must be needed.

- 1) If the State Board has determined need pursuant to Part 1100, the proposed project shall not exceed additional need determined unless the applicant meets the criterion for a variance.

- 2) If the State Board has not determined need pursuant to Part 1100, the applicant must document that it will serve a population group in need of the services proposed and that insufficient service exists to meet the need. Documentation shall include but not be limited to:

- A) area market studies (which evaluate population trends and service use factors);
 B) calculation of need based upon models of estimating need for the service (all assumptions of the model and mathematical calculations must be included);

- C) historical high utilization of other area providers; and

- D) identification of individuals likely to use the project.

- g) Size of Project--Review Criterion. The applicant must document that the size of a proposed project is appropriate.

- 1) The proposed project cannot exceed the norms for project size found in Appendix B of this Part unless the additional square footage beyond the norm can be justified by one of the following:

- A) the proposed project requires additional space due to the scope of services provided;

- B) the proposed project involves an existing facility where the facility design places impediments on the architectural design of the proposed project;

- C) the proposed project involves the conversion of existing bed space and the excess square footage results from that conversion; or

- D) the proposed project includes the addition of beds and the historical demand over the last five year period for private rooms has generated a need for conversion of multiple bed rooms to private usage.

- 2) When the State Board has established utilization targets for the beds or services proposed, the applicant must document that in

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the second year of operation the annual utilization of the beds or service will meet or exceed the target utilization. Documentation shall include, but not be limited to, historical utilization trends, population growth, expansion of professional staff or programs (demonstrated by signed contracts with additional physicians) and the provision of new procedures which would increase utilization.

- h) Medical Education--Review Criterion

- 1) If the project proposed is designed to meet the health education or related research needs of the facility, the applicant must document the following:

- A) the proposed project would assist the facility in meeting its research or educational needs for related residency programs. Documentation must indicate that accreditation would be lost without the proposed project and that current space is insufficient to meet projected teaching needs;

- B) the proposed project will not have an adverse impact on community facilities within the planning area and that such community facilities support the project. Documentation shall consist of letters from non-teaching community hospitals in the planning area indicating support for the project or indicating that the proposal will have no adverse impact on the utilization of their services;

- C) how the proposed project compares in function and design to similar programs in other teaching hospitals in Illinois and nationally. Documentation shall consist of detailed comparisons of volume requirements and square footage needs in similar institutions both in Illinois and nationally; and

- D) the facility is unable to meet its teaching or related research needs through the use of existing resources. Documentation shall consist of: statements concerning the inability to utilize vacant or underutilized areas of the applicant facility; and statements detailing any prohibitive reasons for not utilizing space in other facilities to provide the proposed project.

- 2) This criterion shall not be the sole basis for approval of a project and cannot be used to justify the creation of a new health care facility.

(Source: Amended at 20 Ill. Reg. effective

4734

SUBPART O: CATEGORY OF SERVICE REVIEW CRITERIA -- END STAGE RENAL DISEASE

Section 1110.1430 Chronic Renal Dialysis - Review Criteria

- a) Data System - Review Criterion. The applicant must document that a

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chronic renal dialysis data system exists or will be established.

b) Minimum Size of Renal Dialysis Center or Renal Dialysis Facilities - Review Criterion. The minimum facility size is:

- 1) three dialysis stations within the facility in areas not included in an MSA or in an MSA of less than 500,000 people;
- 2) six dialysis stations in MSA's of over 500,000 population.

c) Access Variance to Need--Review Criterion

- 1) The applicant must document that access to the proposed service is restricted in the planning area as documented by:
 - A) all existing renal dialysis facilities are operating at full utilization as reflected in three patient shifts per day; or
 - B) renal dialysis facilities are not available to 90 percent of the population of the planning area within 45 minutes travel time and the proposed project will meet that need.

2) Documentation shall consist of location and historical utilization of other planning area service providers; patient location information, all applicable time-travel studies and a certification of waiting times or scheduling problems in existing facilities.

3) The applicant must also document that the number of patients who are experiencing an access problem will justify the proposed project at the minimum utilization level detailed in 77 Ill. Adm. Code 1100.

d) Establishment of Facilities--Review Criterion. It is the policy of the State Board that no new renal dialysis center or facility be established in a planning area unless:

- 1) All existing renal dialysis centers or facilities within the planning area are operating at or above the minimum utilization for such facilities as detailed in 77 Ill. Adm. Code 1100.630; and ~~or~~

2) There is a calculated need for additional stations in the planning area. ~~The planning area is currently underserved by existing renal dialysis centers or facilities as demonstrated by a calculated need for additional stations.~~ The need for treatment stations will be based upon the need figures shown in the update to the Inventory of Health Care Facilities in effect at the time of State Board consideration; and ~~can be estimated utilizing the formula reflected in 77 Ill. Adm. Code 1100.630 for the determination of station need.~~

3) the applicant documents that the proposed new facility will improve access to care by demonstrating that services are not available within 30 minutes travel time of the proposed facility; or

4) the applicant documents conformance with the variance detailed in subsection (c) of this Section.

e) Location - Review Criterion. The applicant must document that the location of the proposed project is accessible. Documentation shall consist of a narrative relating the proposed location to public

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transportation, other providers and to the population to be served. It also must include floor plans of the facility, and the protocols for evacuation of the residents in an emergency such as a fire.

f) Support Services - Review Criterion. The applicant must document that clinical and pathological laboratory services, blood bank, nutrition, rehabilitation, psychiatric and social services, and self-care dialysis support services, will be available. Documentation shall consist of a narrative as to how such services will be provided.

g) Affiliation Agreements - Review Criterion. The applicant must document that a written affiliation agreement or arrangement is in effect for the provision of inpatient care and other hospital services. Documentation shall consist of copies of all such agreements.

h) Self-Care and Home Dialysis Training--Review Criterion. The applicant must document that self-care dialysis, self-care instruction, home dialysis and home training will be provided at the applicant facility or that a written agreement with another facility for the provision of these services exists. Documentation shall consist of a certification that services are provided by the applicant or copies of all agreements for provision of such services.

i) Relocation of Facilities--Review Criterion. This criterion may only be used to justify the relocation of a facility from one location in the planning area to another in the same planning area and may not be used to justify any additional stations. Compliance with this review criterion eliminates the need to address the review criteria in subsections (c) and (d) of this Section. The applicant must document the following:

1) that the existing facility has met the occupancy targets detailed in 77 Ill. Adm. Code 1100.630 for the latest 12 month period for which data is available;

2) that the proposed facility will improve access for care to the existing patient population; and

3) that the existing facility needs to be replaced, as documented by the applicant, in order to comply with Section 110.420(b).

j) Addition of Stations--Review Criterion. This criterion applies to an existing facility which proposes the addition of stations at the existing site. The applicant must document the following:

1) that the existing facility has met the occupancy targets set forth in 77 Ill. Adm. Code 1100.630 for the latest 12 month period for which data is available;

2) that there are sufficient additional patients in need of the service to justify, using the methodology prescribed in 77 Ill. Adm. Code 1100.630(c), that the facility, at the end of the first 12 months of operation, will meet the occupancy targets set forth in 77 Ill. Adm. Code 1100.630;

3) that the proposed project will not adversely impact the workload at any other existing facility within 30 minutes travel time of the applicant facility; and

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- 4) that a need for additional stations exists in the planning area based upon the update to the Inventory of Health Care Facilities in effect at the time of State Board consideration; or that the proposed project is in conformance with the access variance set forth in subsection (c) of this Section.

(Source: Amended at 20 Ill. Reg. 4734, effective MAR 9 2 1996)

SUBPART R: CATEGORY OF SERVICE REVIEW CRITERIA--
GENERAL LONG-TERM CARE

Section 110.1730 General Long-Term Care--Review Criteria

- a) Facility Size -- Review Criterion. The maximum size of a general long-term care facility is 250 beds, unless the applicant documents that a larger facility would provide personalization of patient care and documents provision of quality care based on the experience of the applicant and compliance with the Agency's licensure standards (77 Ill. Adm. Code: Chapter I, Subchapter c) (Long-Term Care Facilities) over a 2 year period of time.
- b) Community Related Functions -- Review Criterion. The applicant must document cooperation with and the receipt of the endorsement of community groups in the town or municipality where the facility is or is proposed to be located, such as, but not limited to, social, economic or governmental organizations or other concerned parties or groups. Documentation shall consist of copies of all letters of support from such organizations.
- c) Zoning--Review Criterion. The applicant must document one of the following:

- 1) the property to be utilized has been zoned for the type of facility to be developed;
 - 2) zoning approval has been received; or
 - 3) a variance in zoning for the project is to be sought.
- d) Variances to Computed Bed Need -- Review Criterion
- 1) Defined Population Variance.
 - A) The applicant must document that the proposed project will service a defined population group of a religious, fraternal or ethnic nature from throughout the entire health service area or from a larger geographic area (hereinafter referred to as the GA) proposed to be served and which includes, at a minimum, the entire health service area in which the facility is or will be physically located. Documentation shall consist of one of the following:
 - i) a description of the proposed religious, fraternal or ethnic group proposed to be served;
 - ii) the boundaries of the GA; and
 - iii) the number of individuals in the defined population

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which lives within the proposed GA, including the source of the figures.

- B) In addition, the applicant must document each of the following:
- i) the proposed services do not exist in the GA health service area where the facility is or will be located; and
 - ii) the services cannot be instituted at existing facilities within the GA health service area in sufficient number to accommodate the group's needs. The applicant must enumerate each specific service the proposed facility will provide which could not be provided in any of the existing facilities in the GA; the basis for determining why such service could not be provided.
- C) B) The application must document that the proposed number of beds is needed based upon the target occupancy rate. Documentation shall consist of an identification of the defined population volume; the patient origin of the proposed patients; and a rationale for the utilization projections. Documentation shall consist of verification that the proposed project will achieve, within the first year of operation, an annual occupancy in excess of the target occupancy.
- D) E) The applicant must document that at least 85 percent of the residents of the facility who will be seek the facility's services are members of the defined population group. Documentation shall consist of written admission policy which insures that the requirements of this subsection will be met. an identification of the defined population volume and location and rationale for utilization projections.
- E) B) The applicant must document that the proposed project is either directly owned, sponsored or affiliated with the religious, fraternal or ethnic group that has been defined as the population to be served by the project. The applicant must provide legally-binding documents which prove ownership, sponsorship or affiliation.
- B) The applicant must document that the proposed facility will include beds in both the Nursing--Category--of--Service--and either the Sheltered-Care-Category-of-Service-or-residential living arrangements--which--are-not-licensed-by-the-Agency. Documentation shall consist of a certification of the proposed bed mixture.
- 2) Accessibility Variance
- A) The applicant must document that access to the proposed service is restricted in the planning area as documented by:
 - i) the absence of beds within the planning area; or

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- ii) complex has been established; or
The proposal may be developed as a part of a total housing construction program, provided that, the entire complex is one inseparable project and that there is a documented demand for the housing and that the licensed beds will not be built first, but will be built concurrently with or after the residential units.
- B) The applicant must also document the following:
i) That the proposed number of beds are needed. Documentation shall consist of a list of available patients/residents needing the proposed project. The proposed number of beds may not exceed one licensed long-term care bed for every five four apartments or independent living units; and
ii) That the proposed generation-long-term-care facility will include beds in both the Nursing Category of Service and the Sheltered-Care Category of Service in a ratio not to exceed 2 Nursing-Care beds to every Sheltered-Care bed; and
iii) That its written policies of operation provide that if a resident of the retirement community is transferred to the long-term care unit, the resident will not lose his or her apartment unit or be transferred to another long-term care facility solely because of the resident's altered financial status or medical indigency.

(Source: Amended at 20 Ill. Reg. 4734, effective 11/2/83)

- ii) limitations on governmental funding or charity patient or
iii) restrictive admission policies of existing area providers.
- B) Documentation shall consist of location and utilization of other planning area service providers and a certification of waiting times and scheduling or admission restrictions that exist in area providers.
- C) The applicant must also document that the number of beds proposed will not exceed the number needed to meet the health care needs of the population identified as having restricted access at the target occupancy rate.
- 3) Acute-Care-Conversion Variance
A) The applicant must document a shortage of long-term-care beds in the planning area or a shortage of Medicare-certified beds in the area because:
i) A Diagnosis-Related Group (DRG) extended stay case exists at the applicant facility that cannot be referred to existing facilities because of a bed shortage; or
ii) a large number of long-term-care patients with medical conditions which require a combination of acute and chronic care receive care at the applicant institution.
- B) Documentation shall include a summary of patient diagnosis and condition at the time of long-term care placement, a statement as to the number of patients who have been maintained in the hospital beyond DRG reimbursement limitations (see 42 CFR 223.1190) if statements by physicians as to the need to maintain DRG extended stay patients in a hospital rather than a nursing home setting and waiting lists in existing skilled long-term care providers.
- C) The applicant must document that the proposed number of beds will achieve within the first year of operation an average occupancy of 99 percent.
- 2) Continuum of Care Variance
A) The applicant must document that the project will provide a continuum of care for a geriatric population which includes independent living and/or congregate housing (such as unlicensed apartments, high rises for the elderly, and retirement villages) and related health and social services. Such housing complex must be on the same site as the health facility component of the project. Such a proposal must be for the purposes of and serve only the residents of the housing complex and may be developed in one of the following ways:
i) The proposal may be developed after the housing

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Section 1110. APPENDIX B State and National Norms on Square Footage by Department

NOTE: Gross Square Footage indicated as gft(2).

	Department	State Norms
1.	Surgery	2078 2043 gft(2)/Surgical Room
2.	Recovery (Surgical)	180 165 gft(2)/Recovery Station or 201-gft(2)-R.
3.	Laboratory (includes blood bank)	225 223 gft(2)/Full-Time Equivalent or <u>36 35</u> gft(2)/Bed (Total)
4.	Morgue	3.0 2.9 gft(2)/Bed (Total)
5.	Diagnostic Radiology	1386 1393 /Procedure Room or <u>5.5 3.4</u> Procedures/gft(2) or 4.9 gft(2)/Bed-(Total)
6.	Intensive Care Beds	603 557 gft(2)/Bed (ICU)
7.	Burn Beds	596 gft(2)/Bed (Burn)
8.	Pediatric Beds	420 450 gft(2)/Bed (Ped.)
9.	Obstetric Beds	476 396 gft(2)/Bed (OB)
10.	Medical-Surgical Beds	401 343 gft(2)/Bed (M-S)
11.	Acute Mental Illness Beds	586 469 gft(2)/Bed (Psych)
12.	Neonatal-High Risk Beds	355 324 gft(2)/Bed (Neo.)
13.	Substance Abuse Beds	466 450 gft(2)/Bed (Alc.)
14.	Rehabilitation Beds	588 564 gft(2)/Bed (Rehab)
15.	Labor-Delivery-Recovery	23 gft(2)/Bed or 4.6 gft(2)/Procedure or 1975 gft(2)/Needed Delivery Room (BASED upon 750 Live Births/Delivery Room)
		Bethery/Birthing-Room

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	Department	State Norms
16.	Food Service	42 24 Meals/gft(2) or <u>54 52</u> gft(2)/Bed (Total)
17.	Pharmacy	12.0 gft(2)/Bed (Total)
18.	<u>LDRP Medical-Records</u>	1.119 gft(2)/Bed <u>4.3</u> ---Total <u>Admissions/gft(2)</u>
19.	Storage	33 35 gft(2)/Bed (Total) or 4.1 <u>Hep-gft(2)-gft(2)</u>
20.	Physical Therapy	7.5 4.9 Treatments/gft(2) or <u>23 21</u> gft(2)/Bed (M-S, Peds, Rehab, Burn and LTC)
21.	Respiratory Therapy	20.5 Procedures/gft(2) or 8.9 <u>8.8</u> gft(2)/Bed (Total less Acute Mental Illness)
22.	Occupational Therapy	4.3 4.0 gft(2)/Bed (Total less ICU and OB)
23.	Nuclear Medicine	2.9 1 Procedures/gft(2) or <u>1.135</u> gft(2)/Treatment Room or <u>11.7</u> gft(2)/Bed (Total)
24.	Housekeeping	15.5 11 gft(2)/Bed (Total) or 12.9-Hosp-gft(2)-gft(2)
25.	Central Sterile Supply	18 gft(2)/Bed (Total)
26.	Radiation Therapy	20-gft(2)-Bed-(Total)-or-1.1 <u>2.7</u> treatments/gft(2)
27.	Cardiac Catheterization	1596 1700 gft(2)/Laboratory
28.	Ambulatory Care	4.1 5.4 Clinic Visits/gft(2) or <u>667</u> 606 gft(2)/Treatment Room
29.	<u>MRI Cardio-Pulmonary-Service</u>	3.400 gft(2)/unit <u>10.5</u> gft(2)/Bed-(Total-Bess-Psych)
30.	Newborn Nursery	152 gft(2)/Bed (Obstetrics) or
31.	Social Services	4.5 4.9 gft(2)/Bed (Total)

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Department	State Norms
32. Maintenance	<u>12.9</u> 13 gft(2)/Bed (Total)
33. Cafeteria	18 gft(2)/Bed (Total) or 34 meals/gft(2)
34. Laundry	22 gft(2)/Bed (Total) or 220 <u>185</u> gft(2)
35. Emergency Room	744.6 786 gft(2)/Treatment Room <u>3.1</u> Visits gft(2)
36. Ambulatory Surgical Treatment Centers	<u>2.750</u> 27500 gft(2)/Treatment Room or 8 <u>4</u> Visits/gft(2)
37. Hemodialysis	<u>2.470</u> 2470 gft(2)/Room
38. Admitting	<u>12.9</u> 117 gft(2)/Bed (Total)
39. Speech Pathology/Audiology	1.8 gft(2)/Bed (Total)
40. Conversion of Hosp. Acute Care Beds to Skilled Care	<u>429</u> 369 gft(2)/Bed (Total)
41. BKG	7.6 <u>7.6</u> gft(2)/Bed (Total)
41. 427	<u>17.0</u> 142 gft(2)/Bed (Total)
42. 437	<u>369</u> 287 gft(2)/Bed (Total) or Less
43. 447	<u>564</u> 482 gft(2)/Bed (Total) Beds
44. 457	<u>414</u> 388 gft(2)/Bed (Total) New LTC Facilities

*Surgical visits and obstetric procedures.

Recognized National Norms:

Publications which are utilized in the comparison of a project's proposed square footage are as follows:

1. Administration and Employee Facilities
 - A) ~~By Todd Wheeler~~ "Hospital Modernization and Expansion"
 - B) ~~McGraw-Hill Book Company~~ "New York 1971"
 - C) ~~David Porter~~ "Health Design Administration" George Washington University School of Health Washington D.C. 1973
2. Laboratory
 - A) ~~Arthur Reppert~~ "Laboratory Design" Laboratory Medicine Vol. 47

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3. Chapter 267 Hagerstown Md. 1977. Ambulatory Care
4. Chi-Systems "Evaluation and Space Programming Methodology Series 4 Outpatient Ambulatory Care" Published by Authority of the Minister of National Health and Welfare Canada 1978.
5. Parking
6. The School of Community and Regional Planning "Access and Parking Criteria for Hospitals" Transportation Research Series No. 127 University of British Columbia Vancouver Canada 1978.
7. Admitting
8. Chi-Systems "Evaluation and Space Programming Methodology Series 13 Admitting" Published by Authority of the Minister of National Health and Welfare Canada 1979.
9. Administration
10. Chi-Systems "Evaluation and Space Programming Methodology Series 14 Health and Welfare Canada 1979.
11. Speech Pathology, Audiology and Occupational Therapy
12. Chi-Systems "Evaluation and Space Programming Methodology Series 6 Physiotherapy Occupational Therapy Speech Pathology and Audiology Departments" Published by Authority of the Minister of National Health and Welfare Canada 1978.
13. Acute Inpatient Beds
14. "Hospital Licensing Act" (1987 Rev. Stat. 1987 Ch. 112, par. 1-42 et seq.)
15. Long Term Care Beds
16. Nursing Home Care Reform Act of 1979 (1987 Rev. Stat. 1987 Ch. 112, par. 1-15 et seq.)
17. Perinatal Beds
18. Directory of Residency Training Programs (1987) American Medical Association 535 Dearborn Chicago Illinois 60610.
19. All citations to federal requirements in this Part concern the specified regulations in the 1980 Code of Federal Regulations unless another date is specified.
20. All incorporations by reference of federal regulations or standards and the standards of the nationally recognized organizations referred to in the regulations and standards on the date specified and do not include any additions or deletions subsequent to date specified.

The State Board shall periodically evaluate the norms to determine if revisions should be made. Any revisions shall be promulgated in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100] (1987 Rev. Stat. 1987 Ch. 127, par. 1-1 et seq.).

(Source: Amended at 20 Ill. Reg. 4734, effective 1-1-80)

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9) Notice(s) of Proposal Published in Illinois Register: 19 Ill. Reg. 6227 (May 5, 1995).

10) Has JCAR issued a Statement of Objections to this amendment? No. JCAR has not issued an objection to these amendments.

11) Difference(s) between proposal and final version: **The Department made the following changes in response to recommendations from the Administrative Code Division:** All changes have been made.

The Department made the following changes in response to recommendations from the Joint Committee on Administrative Rules: All technical changes recommended by the Joint Committee during the first and second notice periods have been made.

The Department made the following changes in response to public comments:

Section 120.10 - In the definition of "Grant agreement", replace "agency" with "provider" before "indicating" in the 4th line and after the phrase "paid to the" in the 5th line.

Section 120.10 - In the definition of "Habitatation", add "supported employment," after the phrase "sheltered employment" in the 7th line.

Section 120.10 - In the definition of "Purchase of Service Contract", replace "agency" before "indicating" with "provider" in the 5th line and after the phrase "paid to the" in the 6th line.

Section 120.10 - In the definition of "Supported employment (SEP)", add "with ongoing support services" after "work" in the first line.

Section 120.160(a) - Add "or service provider" after "agent" in the 2nd and 3rd lines.

The Department made the following changes for clarity based on discussions held with the Department of Public Aid, which did not submit public comments:

Section 120.10 - In the definition of "Service coordination", add "and monitoring" after "coordination" in the 1st line and strike "resources and" before "supports" in the 3rd line. Strike "accessing," and "linking" in the 2nd line.

Section 120.10 - Strike the definition of "Service vendor".

Section 120.20(d) - Strike "in operating" after "responsibilities" and add "regarding" in the 3rd line.

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Section 120.40(b)(2)(B) - Add "interventions," after "behavior" in the 2nd line.

Section 120.100(d)(4) - Add "including the provider's grievance process, Department review and Department of Public Aid hearing" at the end of this subsection.

Section 120.110(b) - Strike original language and add:

b) The appeal shall be filed with, and received by the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield, IL 62765 within 10 working days after the date the individual or guardian receives the notice of action following the agency grievance process.

Section 120.110(c) - Strike original language and add:

c) Within 30 working days after the notice of appeal is received, the Department shall conduct an informal review of the appealed action and reverse, modify or leave unchanged the decision. The appellant, the appellant's representative (if any) and the service providers shall be notified in writing of the Department's action within 10 working days after the informal review. The written notification shall include:

- 1) A clear statement of the action to be taken;
- 2) A clear statement of the reason for the action;
- 3) A specific policy reference which supports such action; and
- 4) A complete statement of the individual's right to appeal the decision to the Department of Public Aid (DPA).

Section 120.110(d) - Strike original language and add:

d) The appeal shall be filed with, and received by the DPA Assistance Hearings Section, 624 South Michigan Avenue, Chicago, IL 60605-1906 within 10 working days after the date the individual or guardian receives the written notification from the Department.

Section 120.110(e) - Strike original language and add:

e) The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).

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Section 120.110(f) - Strike original language and add:

f) The hearing shall be held at the DPA office nearest the appellant's home, unless the appellant, the Department's Hearing and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.

Section 120.110(g) - Strike original language and add:

g) DPA's hearing rules for assistance appeals as set forth at 89 Ill. Adm. Code 104, shall apply, except that subsection (c) of this Section shall apply rather than any similar DPA rule.

Section 120.110(h) - Strike original language and add:

h) Following the hearing, the Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be mailed to the appellant, the appellant's representative (if any), the service provider, and the Supervisor of the Department's Hearing and Appeals Unit.

Section 120.110(i) - Strike original language and add:

i) The receipt of the request for an appeal shall stay the decision pending the final administrative decision or the withdrawal of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved except as described below.

1) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

- A) The physical safety of the individual or others is imminently imperiled;
- B) Appropriate services are not available at the provider agency;
- C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors, and to seek staff training or technical assistance to meet the individual's needs; and
- D) The PASSAR agent has:

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i) Reviewed the individual's record;

ii) Gathered the necessary clinical information;

iii) Reviewed the actions of the provider;

iv) Met with the individual; and

v) Determined that a delay in termination, suspension or reduction in services would imminently imperil the physical safety of the individual or others and has documented that fact in the individual's record.

2) If all the requirements of subsection (i)(1) of this Section have been met, services to the individual may be terminated, suspended or reduced and the notice of action shall be given in accordance with Section 120.100(d) of this Section as soon as possible but in no case later than 48 hours after the termination, suspension or reduction in services.

3) The provider shall hold the individual's place open until the appeal is resolved.

Section 120.150(a) - Add "under DPA's rules at 89 Ill. Adm. Code 120" after "assistance".

The Department made the following technical changes:

Section 120.120 - In the Table of contents, add "'s" to "Individual".

In the authority note - Delete underscoring.

Sections 120.20(b), 120.40(b)(2)(E), 120.80(a) and 120.100(b) - In the definitions of "Intermediate care facility for the mentally retarded (ICFIMR)" and "Qualified mental retardation professional", strike "1993"; add "1994".

Sections 120.20(b), 120.40(b)(1)(A) and (B), 120.100(b), and 120.120(c) - Strike "1992"; add "1995".

Section 120.100 - Add "A." after "U.S.C.".

Section 120.120 (heading) - Add "'s" to "Individual".

Section 120.160(b)(2) - Strike "1985"; add "1986".

Section 120.160(e) - Add "of this Part".

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, all changes have been made.
- 13) Will these amendments replace an emergency rule? These amendments will not replace any emergency amendments.
- 14) Are there any amendments pending on this Part? No other amendments are pending on this Part.
- 15) Summary and Purpose of Amendment: The proposed amendments are necessary to update the individual eligibility criteria, eligibility determination process, descriptions of covered services, and provider requirements for the Medicaid home and community-based services waiver program for individuals with developmental disabilities. The intergovernmental agreement with the U.S. Health Care Financing Administration governing the waiver program has been amended since this Part was originally adopted November 9, 1993. The proposed amendments to this Part are consistent with the most recent agreement.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Judith Hollenberg
 Rules Administrator
 Address: 401 Stratton Building
 Springfield, IL 62765
 Telephone: (217)785-3313
 FAX: (217)524-8920

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
 CHAPTER I: DEPARTMENT OF MENTAL HEALTH
 AND DEVELOPMENTAL DISABILITIES

PART 120

MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAM FOR
 INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES ~~BEHAVIORALLY-DISABLED~~
 RECIPIENTS

SUBPART A: GENERAL PROVISIONS

Section
 120.10 Definitions
 120.20 Purpose
 120.25 Incorporation by reference
 120.30 Program description (Repealed)
 120.40 Service descriptions
 120.50 Target population

SUBPART B: SYSTEM COMPONENTS

Section
 120.60 Overview (Repealed)
 120.70 Service provider requirements ~~vendor-contracts~~
 120.80 Program assurances
 120.90 Department audit

SUBPART C: ~~INDIVIDUAL RECIPIENT~~ RIGHTS AND RESPONSIBILITIES

Section
 120.100 Overview
 120.110 Appeals and fair hearings
 120.120 Individual's ~~Recipient~~ responsibilities

SUBPART D: OPERATIONAL PROCEDURES

Section
 120.130 Filing an application (Repealed)
 120.140 Eligibility criteria
 120.150 Eligibility determination
 120.160 Individual service/support ~~habilitation~~ plan

AUTHORITY: Implementing Section 3 of the Community Services Act [405 ILCS 30/3] and Sections 5-1 through 5-11 of the Public Aid Code [305 ILCS 5/5-1 through 5-11] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705.5].

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SOURCE: Adopted and codified at 7 Ill. Reg. 15630, effective November 9, 1983; emergency amendment at 16 Ill. Reg. 2652, effective February 1, 1992, for a maximum of 150 days; emergency expired June 30, 1992; amended at 18 Ill. Reg. 15600, effective October 5, 1994; amended at 20 Ill. Reg. 4762, effective 1/1/95.

SUBPART A: GENERAL PROVISIONS

Section 120.10 Definitions

For the purposes of this Part, the following terms are defined:

"~~case-coordination~~:"~~---the-provision-of--assistance--and--advocacy services--to--a-recipient--for--the--purpose--of--assuring--and/or coordinating-the-provision-of-necessary-services-and-support.~~

"Code." The Mental Health and Development Disabilities Code [405 ILCS 5].

"Community integrated living arrangement (CILA)." A living arrangement provided by a licensed community development disabilities services agency where eight or fewer individuals with a developmental disability reside under the supervision of the agency. Individuals receive a customized array of flexible habilitation or personal care supports and services in the home, in day programs and in other community locations under the supervision of a community support team within the local agency. (210 ILCS 135/3(d))

"Community living facility (CLF)." A facility geared to assist the individual in preparing for independent living. Emphasis is placed on teaching the individual ~~person~~ adequate social and daily living skills. Individuals are involved in practical experiences in community living and are guided in planning for and using ~~utilizing~~ leisure time and developing the ability to function independently in the community. Community living facilities are limited to no more than 20 individuals, age 18 or older (Community Living Facilities Licensing Act [210 ILCS 35]) ~~7--111-Rev-Stat-19817-ch-111-1/27-pars-4101-et-seq-7.~~

"Community residential alternatives (CRA)." A group home, as defined in the Community Residential Alternatives Licensing Act [210 ILCS 140] ~~111-Rev-Stat-19817-ch-91-1/27-pars-621-et-seq-7, for eight or fewer developmentally-disabled adults with developmental disabilities who are unable to live independently but are capable of community living if provided with an appropriate level of supervision, assistance and support services. A community residential alternative may provide training and guidance to individuals recipients in the skills of daily living and shall provide opportunities for~~

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participation in community activities. A community residential alternative shall not be a medical or nursing facility. [210 ILCS 140/3(4)]

"Confidentiality Act." The Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110].

"Days." Unless otherwise indicated, means calendar days.

"Department." The Department of Mental Health and Developmental Disabilities.

"Developmental disability."~~---a-disability--which-is--attributable--to mental-retardation--cerebral-palsy--epilepsy--or-autism--or-to-any other-condition-which-results-in-impairment-starting-to-that-caused-by mental-retardation--and--which--requires--services--similar--to-those required-by-mentally-retarded-persons--Such-disability-must-originate before-the-age-of-18-years--be-expected-to-continue-indefinitely--and constitute--a-substantial-handicap~~ ~~111-Rev-Stat-19817-ch-91-1/27-pars-11067.~~

"Developmental training." A day program that focuses on the development and enhancement of daily living skills such as motor development, dressing, grooming, toileting, eating, language, reading and writing, quantitative skills, capacity for independent living, economic self-sufficiency and reduction of maladaptive behaviors.

"Director." The Director of the Department of Mental Health and Developmental Disabilities.

"Grant agreement." When fully executed the obligating instrument providing the basis for Departmental financial participation in grant-in-aid programs and which formalizes the contractual relationship between the Department and the provider indicating the amount of Department funds which will be paid to the provider for the provision of services as described in the grant agreement and the agency plan. Requirements for grant-in-aid funded providers are contained in the Department's rules at 59 Ill. Adm. Code 103.

"Guardian." A person appointed by the court as the plenary or limited guardian or conservator of the individual for an individual over age 18 so long as the limited guardian's duties encompass concerns related to service requirements or the natural or adoptive parent of a minor or a person acting as a parent of a minor. ~~A person appointed as a guardian-of--the-person--and/or-estate-under-the-Probate-Act-of-1975 111-Rev-Stat-19817-ch-110-1/27-pars-11-et-seq-7.~~

"Habilitation." An effort directed toward the alleviation of a

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developmental disability or toward increasing the ~~a~~-developmentally disabled persons' level of physical, mental, social or economic functioning of an individual with a developmental disability. Habilitation may include, but is not limited to diagnosis, evaluation, medical services, residential care, day care, special living arrangements, training, education, sheltered employment, supported employment, protective services, counseling and other services provided to individuals with developmental disabilities developmentally disabled persons by developmental disabilities facilities. ~~Ill. Rev. Stat. 1981, ch. 91-1/2, par. 1-111. (Section 1-111 of the Code)~~

"Home individual program (HIP)." A program which provides support and training to one or two individuals with developmental disabilities in a home environment. ~~care and training to one or two developmentally disabled individuals in a home environment. House-patients are employed to supervise care of the recipients and to administer and/or support the individual habilitation plan. The program utilizes support services and assistance times for assistance supervision training and support of the individual and a case manager for liaison with the home, family, agency, the Department and community services vendors.~~

"Illinois Client Information System (ICIS)." ~~A comprehensive assessment tool used by the Department of Mental Health and Developmental Disabilities which assembles behavioral and socio-demographic information and developmental progress necessary for decision making about recipients programs. ICIS provides socio-economic, cognitive, functional and behavioral data which are used to assess need for services. ICIS is a field tested standardized tool used by the Department for the assessment of developmentally disabled individuals.~~

"Individual." A person with developmental disabilities who is requesting, is receiving or has received services under this Part.

"Individual service/support habilitation plan (HSP)." A written plan of care, consistent with the individual's diagnosis and needs, which describes the habilitation goals and a projected timetable for their attainment and the services/support to be provided as defined in Section 4-309 of the Mental Health and Developmental Disabilities Code ~~Ill. Rev. Stat. 1981, ch. 91-1/2, par. 4-309.~~

"Intermediate care facility for the mentally retarded (ICF/MR)." Medicaid-certified long-term care facility as defined by 42 CFR 140.150 (1994) serving individuals with developmental disabilities. ICF/MR includes community facilities licensed by the Department of Public Health for skilled/pediatric nursing (77 Ill. Adm. Code 390)

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(if certified as ICF/MR), intermediate care for the developmentally disabled (77 Ill. Adm. Code 350), intermediate care for the developmentally disabled with 16 beds and under (77 Ill. Adm. Code 350) and State-operated developmental centers.

"~~Licensed long-term care facility.~~" ~~A private home, institution, building, residence or other place as defined by the Nursing Home Care Reform Act of 1979. Ill. Rev. Stat. 1981, ch. 111-1/2, par. 411-101 et seq., whether operated for profit or not, a county, home for the infirm and chronically ill which provides personal care, sheltered care or nursing for three or more persons not related to the applicant or owner by blood or marriage, or an out-of-state facility meeting comparable standards. Facilities included are those that are licensed by the Department of Public Health for skilled nursing, skilled/pediatric nursing, intermediate care, intermediate care for the developmentally disabled (ICP/BH), intermediate care for the developmentally disabled with 15 beds and under, sheltered care and facilities for individuals under age 22.~~

"~~MANS.~~" ~~Medical assistance no grant to the aged, blind or disabled which is available to individuals who have sufficient income and assets to meet their maintenance needs but not sufficient income and assets to meet their medical care. Eligible individuals include Supplemental Security Income (SSI) recipients, individuals who are determined aged, blind or disabled by the Illinois Department of Public Aid according to the Social Security Administration (SSA) definitions and individuals who meet requirements for assistance to aged, blind or disabled (AABD) financial assistance but only request medical assistance (Title XVI of the Social Security Act, 42 U.S.C.A. 1381 et seq., 1981).~~

"~~Mental retardation.~~" ~~Mentally retarded and mental retardation. Significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years. (Section 1-116 of the Code)~~

"~~Nursing facility.~~" A Medicaid-certified long-term care facility. Nursing facilities include facilities licensed by the Department of Public Health for skilled/pediatric nursing (77 Ill. Adm. Code 390) (unless certified as ICF/MR), intermediate care and skilled nursing (77 Ill. Adm. Code 300).

"~~Pre-admission screening and resident review (PASARR) agents.~~" Community agencies or units of local government selected by the Department to act as agents of the Department in carrying out certain federal and State requirements related to the assessment, determination of eligibility, and arrangements for Medicaid-funded services and supports for individuals with a developmental disability.

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"Program." The Medicaid Home and Community-Based Services Waiver Program implemented in this Part.

"Provider." Government, not-for-profit or private for-profit agency under contractual obligation with the Department to provide services to individuals with developmental disabilities.

"Purchase of service contract." When fully executed, the obligating instrument providing the basis for Departmental financial participation in purchase of service contract programs, and which formalizes the contractual relationship between the Department and the provider, indicating the amount of Department funds which will be paid to the provider for the provision of services as described in the purchase of service contract.

"Qualified mental retardation professional." A person who meets the standards defined in the Department's rule at 59 Ill. Adm. Code 115.120, consistent with the federal standards at 42 CFR 442.400 (1994). (42-EPH-442-400-1992). Any of the following persons who have specialized training in the following areas or one year of experience in working with or treating the mentally retarded:

An educator with a degree in education from an accredited program;

A physical therapist licensed with the Illinois Department of Registration and Education under "An Act in relation to physical therapy" (111 Rev. Stat. 1981 Ch. 117 Pars. 4201 et seq.) or an occupational therapist who is a graduate of an occupational therapy curriculum accredited jointly by the Council on Medical Education of the American Medical Association and the American Occupational Therapy Association or is eligible for certification by the American Occupational Therapy Association;

A physician licensed by the State of Illinois under the Medical Practice Act (111 Rev. Stat. 1981 Ch. 117 Pars. 4401 et seq.) to practice medicine or osteopathy;

A psychologist with at least a master's degree from an accredited program and/or a psychologist registered with the Illinois Department of Registration and Education under the Psychologist Registration Act (111 Rev. Stat. 1981 Ch. 117 Pars. 6301 et seq.);

A nurse with a valid current Illinois registration to practice as a registered professional nurse under the Illinois Nursing Act (111 Rev. Stat. 1981 Ch. 117 Pars. 3401 et seq.);

A speech language pathologist or audiologist who is either certified or is eligible for a certification of clinical competence in speech language or audiology granted by the American Speech Language Hearing Association;

A social worker registered or certified by the Illinois Department of Registration and Education under the Social Workers

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Registration Act (111 Rev. Stat. 1981 Ch. 117 Pars. 6301 et seq.) with a bachelor's degree in social work from an accredited program or a bachelor's degree in a field other than social work and at least three years social work experience under the supervision of a qualified social worker.

A therapeutic recreation specialist who is a graduate of an accredited program and eligible for registration in the National Therapeutic Recreation Society;

A rehabilitation counselor who is certified by the Commission on Rehabilitation Counselor Certification;

"Recipient." A developmentally disabled individual age 21 or older receiving services under this Part;

"Region." When used in this Part, refers to a service region through which the Department administers its programs;

"Respite care." The provision of temporary residential care and supportive services to allow an individual to remain in the community.

"Responsible relative." The spouse or parent of a recipient receiving services as defined under this Part or in the Mental Health and Developmental Disabilities Code (111 Rev. Stat. 1981 Ch. 117 Part 1-124);

"Service coordination." The coordination and monitoring of supports to assist an individual in planning and evaluating necessary services to ensure a comprehensive array of supports and services to meet an individual's needs, personal goals and choices as defined in the individual service/support plan.

"Service vendor." Government, not-for-profit or private for-profit agency under contractual obligation with the Department to provide services to adult developmentally disabled recipients;

"Special home placement (SHP)." Foster home placement designed for individuals who can benefit from the interaction of family living, but who have no natural family willing or able to meet their needs; the homes provide training in the areas of self-help, social behavior management and other habilitation needs as identified. Foster parents are responsible for providing documentation of structured habilitation programs as provided in the service vendor agreement; community resources are utilized wherever possible;

"State-operated developmental center." A residential facility providing services and supports to individuals with developmental disabilities and operated by the State of Illinois, under the jurisdiction of the Department, also called a State-operated facility.

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"Supported living arrangement (SLA) is a facility which provides support and direction to shape a recipient with the necessary skills for independence and self-sufficiency. SLA settings may be congregate apartments or apartments established in buildings that are geographically separate and shall replicate home-style living. Recipients must demonstrate capability in self-help and survival skills."

"State-operated facility" is a center operated by the State of Illinois under the jurisdiction of the Department.

"Supported employment (SEP)." Paid work with ongoing support services in a variety of integrated work settings in which persons without disabilities are also employed.

(Source: Amended at 20 Ill. Reg. 4762, effective 1-1-91)

Section 120.20 Purpose

a) The intent of this Part is to provide uniform direction for providers and individuals enrolled in the Medicaid home and community-based services waiver program define and describe the role of the Department of Mental Health and Developmental Disabilities designated as a provider for title XIX of the Social Security Act, Medicaid Assistance Program (State-Medicaid Plan) (42 U.S.C.A. 1396a et seq., 1991 and 42 CFR 431.1992).

b) The Department of Public Aid (DPA) is the single State agency designated to administer and oversee the administration of the Medicaid program under Title XIX, Medical Assistance, of the Social Security Act (42 U.S.C.A. 1395a (1995) and 42 CFR 431 (1994)) and the Public Aid Code [305 ILCS 5] in conjunction with the Department of Mental Health and Developmental Disabilities, requested a three-year waiver under Sections 1915(c) and 1915(d) of title XIX of the Social Security Act to include home and community-based services under the State-Medicaid Plan for the adult developmentally disabled (PBD) population.

c) The Under the Mental Health and Developmental Disabilities Code (42 ILCS 1915.1917-91.1927, part 1-199 et seq.) the Department is designated as the State primary agency having primary responsibility responsible for overseeing the delivery of habilitation services to developmentally disabled individuals with developmental disabilities under the Code. The Department of Public Aid as the single state Medicaid agency designated to administer and supervise the administration of the Medicaid Program under title XIX, Medicaid Assistance of the Social Security Act and the Public Aid Code (42 ILCS 1915.1917-91.1927, part 1-199 et seq.) has delegated responsibility to the Department for administering the title XIX

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(Medicaid) program for home and community-based services to the adult developmentally disabled described in this Part. The Department of Public Aid and the Department have entered into an interagency agreement to specify their respective roles and responsibilities regarding the home and community-based services waiver program for individuals with developmental disabilities. The policies and procedures within this Part provide uniform direction for the Department's Medicaid home and community-based programs.

(Source: Amended at 20 Ill. Reg. 4762, effective MAR 8 1993)

Section 120.25 Incorporation by reference

Any rules of an agency of the United States or of a nationally-recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

(Source: Added at 20 Ill. Reg. 4762, effective MAR 8 1993)

Section 120.30 Program description (Repealed)

- a) Medicaid is home and community-based services case coordination/management habilitation, respite care and minor adaptations to the home.
- b) Recipients shall be the Medicaid-eligible developmentally disabled population age 21 or older who otherwise would require or currently receive institutional care in an intermediate care facility (ICF) or intermediate care facility for developmentally disabled (ICF-BB) or skilled nursing facility (SNF) or intermediate care facility for the or fewer developmentally disabled individuals.
- c) Recipients are not eligible to receive Medicaid home and community-based services while residing in a SNF, ICF, ICF-BB, or ICF-BB for 15 or fewer individuals.
- d) Services will be provided by government not for profit or privately owned agencies which are operated for profit under contractual obligation with the Department. These will include both current service vendors as well as new entities meeting Department standards and demonstrating competency to provide services.
- e) Both community residential settings and the natural home biological or adoptive parents, siblings, grandparents, aunts and uncles will be used for recipients determined eligible for Medicaid home and community-based programs. These community-based residential community living facilities special home placements supported living arrangements home individual programs and community residential alternatives as defined in 59 tit. Adm. Code (2014).

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(Source: Repealed at 20 Ill. Reg. **4762**, effective MAR 8 1996)

Section 120.40 Service descriptions

This Section describes the services covered under the Medicaid home and community-based services waiver program. All services shall be rendered in accordance with a written individual service/support habilitation plan and shall be designed to ensure insure the continuity of supports and services for individuals, care-for-recipients.

a) Case coordination

Case-coordination-is-a-mechanism-for-ensuring-and-coordinating services-to-meet-the-needs-of-those-recipients-who-require-this service-it-provides-the-necessary-advocacy-function-to-facilitate the-linkage-of-a-recipient-who-has-identified-service-needs-to-the available-resources-the-case-coordinator-principally-focuses-on-the service-delivery-system-from-the-vantage-point-of-the-individual recipient-in-need-of-the-service-and-engages-in-resource identification-and-linkage-(see-59-ill-Adm-Code-125-130).

a)b) Respite care

1) This service is designed to provide relief on a short-term basis for the primary caregiver (that person individual responsible for the care and supervision of the individual maintenance-of-a recipient on a daily basis) in times of emergencies and on a regularly scheduled basis to reduce stress, thereby reducing the potential for crises. as-well-as-the-recipient-in-times-of emergencies-created-by-fitness-death-or-incapacitation-of-the primary-caregiver-it-is-also-designed-to-reduce-stress-created by-the-recipient-thereby-reducing-potential-crises-Respite care-may-be-provided-for-scheduled-periods-of-time-at-the recipient's-residence-or-an-alternative-community-residential site-Respite-care-services-under-the-Medicaid-home-and community-based-program-will-be-limited-to-a-maximum-of-30-days per-year-the-respite-care-vendor-is-responsible-for-the following:

2) Respite may be provided at the individual's natural or foster home. The respite worker may accompany the individual on day outings, consistent with the individual's needs, the individual service/support plan, and the direction of the primary caregiver. Respite may not be provided in day habilitation sites or to residents of Department-funded 24-hour residential settings.

3) The respite provider is responsible for the following:

- A) The individual's health Health and well-being of-the recipient:
- B) Continuation of the individual service/support habilitation plan as indicated by the primary caregiver, and;
- C) Assumption of duties held by the primary caregiver, i.e., supervision and personal care-participation-in-daily

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living--developmental--recreational--religious-or-community activities--medical-services.

b)c) Habilitation services

1) Habilitation provides health-social-and-support services are designed to assist individuals in acquiring, retaining and improving the self-help, socialization, and adaptive skills necessary to reside successfully in home and community-based settings. Habilitation services do not include the following: promote-daily-living-skills-and-enhance-the-recipient's-potential to-function-in-a-more-independent-setting.

A) Special education and related services (as defined in Sections 602(16) and (17) of the Individuals with Disabilities Education Act (30 U.S.C.A. 1400 (1995)) which otherwise are available to the individual through a local education agency; and

B) Vocational rehabilitation services which otherwise are available to the individual through a program funded under Section 110 of the Rehabilitation Act of 1973 (29 U.S.C.A. 794 (1995)).

2) Habilitation These services may vary in intensity and duration in accordance with the recipient's individual service/support habilitation plan. Habilitation may be provided in a variety of settings and includes:

A) Support and training provided in a developmental training (DT) program work-activity-center as defined in the Department's rules at 59 Ill. Adm. Code 119.109-65;

B) Temporary behavior interventions, training and intensive therapy designed to reduce maladaptive behaviors and assist in the transition from more restrictive to less restrictive options in the community-social-behavior--training--or intensive-therapy--provided-to--address--inappropriate behaviors--of--transition--from--a-more-structured-to-a-less structured-setting;

C) Supports and services provided in the individual's home or in a community residential setting, including a community living facility (CLE), community residential alternative (CRA), home individual program (HIP), or special home placement (SHP) supportive--services--provided--in--the-recipient's-home--or--in-a-community--residential-setting identified-in-59-ill-Adm-Code-120-30(f);

D) Supports and services provided through the community integrated living (CILA) program as described in the Department's rules at 59 Ill. Adm. Code 115; and Specified professional--services--when-prescribed--in--an--individual habilitation-plan--are-activity-and-recreation-therapy medication-management-and-specialized-assessments;

E) Supported employment (SEP), limited to individuals who previously resided in a Medicaid-certified State-operated

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developmental center, community ICF/MR or nursing facility. Standards for supported employment program regulations at 34 CFR 363.3, 363.6 and 363.11(e)(2-3)(1994).

c) Adaptive equipment and minor modifications ~~Minor--adaptation~~ to the home

~~Minor-adaptation-to-the-home--includes-physical-changes--such-as-ramps--door-widening--or--grab-bars--in-bathrooms--to-address-accessibility needs-for-handicapped-individuals.~~

1) Adaptive equipment and minor modifications to the home shall be covered only when they are necessary to prevent institutional placement, to deinstitutionalize an individual, or to allow the individual to participate in specialized services for individuals with developmental disabilities.

2) Adaptive equipment and minor modifications to the home shall be for the direct benefit of the individual and shall not be otherwise available under the State Medicaid Plan (Public Aid Code [305 ILCS 5]).

3) Personal adaptive equipment includes mobility devices, seating and positioning supports, transfer assists or lifts, communication devices, and sensory aids. Personal adaptive equipment shall be prescribed by a physician, or by a qualified health professional who meets State standards as an occupational therapist pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75], physical therapist pursuant to the Illinois Physical Therapy Act [225 ILCS 90], or speech and language therapist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], as appropriate to the disability.

4) Professional evaluations for personal adaptive equipment needs are covered but only when not covered as a part of the PASARR process or under the State Medicaid Plan.

Other adaptive equipment includes:

- A) specialized beds;
- B) carrying equipment;
- C) adaptive equipment for timing, measuring and self-administering medications;
- D) feeding machines;
- E) adaptive utensils and equipment for eating, bathing, grooming, self-care, cooking and household chores;
- F) adaptive labels, controls and instructions;
- G) environmental controls;
- H) closed caption decoders;
- I) adapted or programmable telephones;
- J) prerecorded message players; and
- K) pagers, intercoms, emergency signalers and adapted alarm clocks.

6) Minor modifications to the home includes grab bars or handrails, ramps, widening of doorways and halls, lowered or adaptive door

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handles, accessible kitchen and bathroom appliances, pullout shelving and adapted fire alarms, smoke detectors and doorbells. Other adaptive equipment, minor modifications to the home and professional evaluations for personal adaptive equipment needs shall be authorized as part of the individual service/support plan and be approved by the planning team.

(Source: Amended at 20 Ill. Reg. 4762, effective 1/1/94)

Section 120.50 Target population

The target population to be served under this Part is Medicaid-eligible Illinois adults with developmental disabilities ~~shall-be-Medicaid-eligible developmentally-disabled-illinois-adult-recipients~~ who otherwise would require services in a State-operated developmental center or a community ICF/MR--are ~~currently-receiving-care-in-a-licensed-long-term-Medicaid-funded-setting~~. This population shall meet Illinois Medicaid eligibility ~~MANS~~ standards, as well as meet non-financial eligibility criteria under this Part. The population includes ~~populations-include:~~

- a) Residents of State-operated ~~state-operated~~ facilities who are deemed capable of functioning more independently in the community and who can benefit from a more home-like setting;
- b) Residents of a nursing facility or community ICF/MR ~~long-term-care facilities--SNF--ICF--ICF/PP~~ who are deemed appropriate for placement in a smaller or less structured setting; and
- c) Individuals living in other ~~smaller~~ community residences or in their own homes, who are at risk ~~in--danger~~ of entering a State-operated developmental center or a community ICF/MR. Examples include individuals: ~~long-term-care-facility--or--on-service-vendor--waiting lists--identified-as-at-risk-of-admission--residing-with-aging-parents who-request-placement-for-their-adult-age-children--or--recipients--in child-care-institutions--teaching-adulthood~~

- 1) On a waiting list for ICF/MR services;
- 2) Residing with aging parents who request services for their adult children;
- 3) Being subjected to abuse or neglect; or
- 4) Residing as adults in child care settings.

(Source: Amended at 20 Ill. Reg. 4762, effective 1/1/94)

SUBPART B: SYSTEM COMPONENTS

Section 120.60 Overview (Repealed)

~~the--Department--shall-assume--responsibility--for--both--service-delivery-and management-aspects-of-the-program--The-Department-of-Public-Aid-will--continue~~

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to--determine--Medicaid-eligibility-and-post-eligibility-treatment-of-resources for-recipients-of-Medicaid-home-and-community-based-programs--who--meet--MANG standards--under--the--State--Medicaid--Plan--and-to-maintain-responsibility-for submitting-claims-for-reimbursement-to-the-federal-government-and-preparing revisions-to-the-State-Medicaid-plan--the-Department-of-Public-Aid-also-shall maintain-authority-to-review-individual-habilitation-plans-as-well-as-perform related-monitoring-functions--An-interagency-agreement--has-been-executed between-the-Department-of-Public-Aid-as-the-single-state-Medicaid--agency--and the-Department--the-Department-will-be-responsible-for-determining-all-other recipient-eligibility-for-home-and-community-based-services--under--this--Party--the-agreement-facilitates-the-establishment-as-well-as-the-understanding-and observance-of-responsibilities-of-various-personnel--associated-with--the organizations--the-Department-shall-act-as-both--the--payment--and--over-sight agent-and-will-monitor-the-service-vendor's-ability-to-perform-needed-tasks-and effectively-provide-services-to-the-target-population.

(Source: Repealed at 20 Ill. Reg. 4762, effective 1-1-96)

Section 120.70 Service provider requirements vendor-contracts

a) Services shall be provided by governmental agencies, not-for-profit agencies, or privately owned agencies which are operated for profit. All providers shall operate under contractual obligation with the Department and shall be enrolled as Medicaid providers with the Department of Public Aid. Providers shall include current service providers as well as new agencies. Providers shall meet Department standards applicable to the specific services to be provided and shall demonstrate competency to provide services.

b) Contract obligations
Service providers vendors participating under this Part shall execute a purchase of service ~~enter-into-a~~ contract or grant agreement with the Department in accordance with Section 15 of ~~44-Act-codifying--the~~ powers-and-duties-of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/15] ~~4-1111-Rev-Stat-1991-ch-91-1727 par-109-157 and Section 4 of the Community Services Act [405 ILCS 30/4] (1111-Rev-Stat-1991-ch-91-1727-par-9947). The--service~~ vendor-contract-shall-be-the-obligating-instrument-which-shall-provide the--basis--for--financial-participation--for--Medicaid--home--and community-based-services.

c) Provider agreement and enrollment
1) Service providers participating under this Part shall execute a three-party Medicaid provider agreement with the Department of Public Aid and the Department and be enrolled as Medicaid providers in the Department of Public Aid Medicaid Management Information System (MMIS).

2) The provider agreement shall note that the provider voluntarily requests assignment of payment for program services to the

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Department which shall arrange for payment to the provider.
3) The service provider purchase of service contract or grant agreement and the Medicaid provider agreement shall be the obligating instruments which provide the basis for financial participation for the Medicaid home and community-based services waiver program.

d) Provider vendor requirements
Service providers vendors shall contractually agree to meet the fiscal, program and reporting requirements of the Medicaid home and community-based services waiver program and shall be willing to serve former or potential residents of State-operated developmental centers or community ICF/MRS recipients-of-long-term-care-facilities. Service providers vendors shall also be in compliance with applicable Medicaid provider requirements, appropriate licensure procedures and/or standards as well as Department operational procedures for purchase of service case or grant programs (see the Department's Rules at 59 Ill. Adm. Code 103, 113, 115 and 119 #25). They shall also comply with intake, assessment, monitoring and billing procedures established for services under this Part.

e) Provider vendor payments
Service providers delivering vendors-providing authorized services to individuals recipients determined eligible under the Medicaid home and community-based services waiver program shall be paid by the Department on a monthly basis on upon submission of service reports/billing monthly-billing statements. Service-vendors-will forward-claims-for-payment--to--the--Department--for--payment authorization.

f) Monitoring of providers
Service providers shall cooperate with quality assurance monitoring, evaluations and information requests conducted by the Department of Public Aid, the Department, or by other entities that are authorized by the Department of Public Aid or the Department, such as individual service coordinators, PASARR agents, auditors or evaluators.

g) Appeals by providers
1) As the single State Medicaid agency, the Department of Public Aid is responsible for conducting all provider hearings and rendering the final administrative decision. The appeal requirements and process are contained in the Department of Public Aid's rules at 89 Ill. Adm. Code 104.200 through 104.210.

2) The Department shall conduct informal reviews of provider appeals to attempt to resolve issues without a formal hearing.

(Source: Amended at 20 Ill. Reg. 4762, effective MAR 8 1996)

Section 120.80 Program assurances

In addition to program requirements specified in other Sections sections of

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W.D. N.)

Section 120.90 Department audit

- a) The Department shall require each service provider wender to have an annual audit at the close of its fiscal year. This audit shall be performed by an independent certified public accountant registered by the State of Illinois in accordance with generally accepted auditing standards promulgated by the American Institute of Certified Public Accountants (AICPA) industry audit guide (e.g., Audits of Voluntary Health and Welfare Organizations [1974]). The report shall contain the basic financial statements presenting the financial position of the service provider wender, the results of its operations and changes in fund balances. The report shall also contain the auditor's opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an opinion cannot be expressed. Auditors may qualify, deny or give adverse opinions based upon these standards.
- b) Service providers wenders shall complete the Interagency Statistical and Financial Report or other cost report designated by the Department and as promulgated by the Office of Health Planning and Resources and available through the Department's Public Health and Welfare Division. Each service provider wender shall be required to file this report by the date set by the Department, not less than within 120 days after the end of the service provider's wender's fiscal year. The report shall be prepared and submitted to the Department along with the service provider's wender's independently certified audit. The revenues and expenses entered on the report shall reconcile with the revenues and expenses as certified in the audit.

(Source: Amended at 20 Ill. Reg. 4768, effective

SUBPART C: INDIVIDUAL RECIPIENT RIGHTS AND RESPONSIBILITIES

Section 120.100 Overview

- a) Observation and protection of rights of individuals recipients The observation and protection of rights of individuals recipients of mental health and developmental disabilities services is the public and as well as the private sector as set forth in the State of Illinois. The Department shall ensure that the Department and service providers wenders shall ensure that individuals recipients and recipients and recipients of services receive a complete explanation of their rights and responsibilities at the time

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- b) Service providers wenders shall complete the Interagency Statistical and Financial Report or other cost report designated by the Department and as promulgated by the Office of Health Planning and Resources and available through the Department's Public Health and Welfare Division. Each service provider wender shall be required to file this report by the date set by the Department, not less than within 120 days after the end of the service provider's wender's fiscal year. The report shall be prepared and submitted to the Department along with the service provider's wender's independently certified audit. The revenues and expenses entered on the report shall reconcile with the revenues and expenses as certified in the audit.

(Source: Amended at 20 Ill. Reg. 4768, effective

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of service initiation and on request application.

- b) Non-discrimination
In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. 2000d (1995) ~~et seq~~), ~~and~~ Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 794 (1995)), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 through 12213 (1995)) and 47 U.S.C.A. 225 and 611 (1995)) ~~1982~~ and the regulations at 45 CFR 80 (1994) ~~and~~ 45 CFR 84 (1994) ~~7-1983~~, the Department assures that no individual ~~recipient~~ shall be subjected to discrimination under this Part ~~Plan~~ on the grounds of race, color, national origin, sex, or disability ~~handicap~~.

- c) Confidentiality of case information
For the protection of individuals ~~recipients~~, any information about an individual ~~a recipient~~ or case is confidential and may be used only for purposes directly related to the administration of the Medicaid home and community-based services waiver program. The Department and service providers ~~vendors~~ shall inform all ~~entire~~ ~~agencies~~ ~~and~~ ~~governmental~~ ~~departments~~ to whom information is furnished that this material is confidential, subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act ~~1111~~ ~~Rev. Stat.~~ ~~1983~~ ~~ch. 31-1/27~~ ~~par. 901~~ ~~et seq~~ and shall be so considered by the entity ~~agency or governmental department~~. An authorization for release of information shall ~~will~~ be used to secure the individual's ~~recipient's~~ ~~parent's~~ or guardian's consent to share information.

d) ~~Retreat~~

~~The recipient has the right to receive information about Department programs and services at the time of service application. The recipient also has the right to be referred to other agencies for appropriate programs and services.~~

e) Notice of action

Individuals requesting or receiving ~~Applicants for Medicaid home and community-based program~~ services have the right to a written notice of disposition of the request ~~application~~, or reduction, suspension, denial or termination of services. Such notice must be mailed at least 10 calendar days prior to the effective date of the action, except, in an emergency, the provisions of Section 120.110(i)(2) of this Part shall apply. Notices shall ~~must~~ contain the following information:

- 1) A clear statement of the action to be taken;
 - 2) A clear statement of the reason for the action;
 - 3) A specific policy reference which supports such action; and
 - 4) A complete statement of the individual's ~~recipient's~~ right to appeal, including the provider's grievance process, Department review and Department of Public Aid hearing.⁷
- 5) ~~A statement indicating that service will be continued at the previous level if a written request for an appeal is submitted to the Department within 10 days of the date on the notice.~~

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(Source: Amended at 20 Ill. Reg. 4768, effective March 1, 1999)

Section 120.110 Appeals and fair hearings

For appeals initiated by an individual concerning services, the following procedures apply:

- a) The individual, parents, or guardian or the individual's representative may appeal the following actions:

1) Refusal to accept a request for services ~~an application or reapplication~~:

2) Failure to act on a request for services ~~an application~~ within the mandated time period;

3) Denial of service; or

4) Suspension, termination or reduction of services.

b) The appeal shall be filed with, and received by, the Department's Hearing and Appeals Unit, 401 Stratton Building, Springfield IL 62763 within 10 working days after the date the individual or guardian receives the notice of action following the agency grievance process.

c) Within 30 working days after the notice of appeal is received, the Department shall conduct an informal review of the appealed action and reverse, modify or leave unchanged the decision. The appellant, the appellant's representative (if any) and the service providers shall be notified in writing of the Department's action within 10 working days after the informal review. The written notification shall include:

- 1) A clear statement of the action to be taken;
- 2) A clear statement of the reason for the action;
- 3) A specific policy reference which supports such action; and
- 4) A complete statement of the individual's right to appeal the decision to the Department of Public Aid (DPA).

d) The appeal shall be filed with, and received by, the DPA Assistance Hearings Section, 624 South Michigan Avenue, Chicago IL 60605-1200 within 10 working days after the date the individual or guardian receives the written notification from the Department.

e) The hearing shall be conducted by an impartial hearing officer appointed by the Department of Public Aid (DPA).

f) The hearing shall be held at the DPA office nearest the appellant's home, unless the appellant, the Department's Hearing and Appeals Unit, and the DPA Assistance Hearings Section agree to hold it elsewhere.

g) DPA's hearing rules for assistance appeals, as set forth at 89 Ill. Adm. Code 104, shall apply, except that subsection (c) of this Section shall apply rather than any similar DPA rule.

h) Following the hearing, the Director of the Department of Public Aid shall issue a final administrative decision in accordance with DPA's rule at 89 Ill. Adm. Code 104.70. Copies of the decision shall be mailed to the appellant, the appellant's representative (if any), the service provider, and the Supervisor of the Department's Hearing and Appeals Unit.

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1) The receipt of the request for an appeal shall stay the decision pending the final administrative decision or the withdrawal of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved, except as described below.

1) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

- A) The physical safety of the individual or others is imminently imperilled;
- B) Appropriate services are not available at the provider agency;
- C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors and emergency staff training or technical assistance to meet the individual's needs; and

D) The PASARR agent has:

- i) Reviewed the individual's record;
- ii) Gathered the necessary clinical information;
- iii) Reviewed the actions of the provider;
- iv) Met with the individual; and
- v) Determined that a delay in termination, suspension or reduction in services would imminently imperil the physical safety of the individual or others and has documented that fact in the individual's record.

2) If all the requirements of subsection (1)(i) of this Section have been met, services to the individual may be terminated, suspended or reduced and the notice of action shall be given in accordance with Section 120.100(d) of this Section as soon as possible, but in no case later than 48 hours after the termination, suspension or reduction in services.

3) The provider shall hold the individual's place open until the appeal is resolved.

4) The receipt of the request for an appeal shall stay the decision pending the final administrative decision or the withdrawal of the appeal.

5) If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved, except as described below.

6) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

- A) The physical safety of the individual or others is imminently imperilled;
- B) Appropriate services are not available at the provider agency;
- C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors and emergency staff training or technical assistance to meet the individual's needs; and

D) The PASARR agent has:

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

1) The receipt of the request for an appeal shall stay the decision pending the final administrative decision or the withdrawal of the appeal. If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved, except as described below.

2) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

- A) The physical safety of the individual or others is imminently imperilled;
- B) Appropriate services are not available at the provider agency;
- C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors and emergency staff training or technical assistance to meet the individual's needs; and

D) The PASARR agent has:

- i) Reviewed the individual's record;
- ii) Gathered the necessary clinical information;
- iii) Reviewed the actions of the provider;
- iv) Met with the individual; and
- v) Determined that a delay in termination, suspension or reduction in services would imminently imperil the physical safety of the individual or others and has documented that fact in the individual's record.

3) If all the requirements of subsection (1)(i) of this Section have been met, services to the individual may be terminated, suspended or reduced and the notice of action shall be given in accordance with Section 120.100(d) of this Section as soon as possible, but in no case later than 48 hours after the termination, suspension or reduction in services.

4) The provider shall hold the individual's place open until the appeal is resolved.

5) The receipt of the request for an appeal shall stay the decision pending the final administrative decision or the withdrawal of the appeal.

6) If the decision being appealed is suspension, termination or reduction of services, services shall not be suspended, terminated or reduced until the appeal is resolved, except as described below.

7) Services may be suspended, terminated or reduced before the final administrative decision only if all of the following conditions are met:

- A) The physical safety of the individual or others is imminently imperilled;
- B) Appropriate services are not available at the provider agency;
- C) The provider agency has documented attempts to identify and ameliorate the probable causes of maladaptive behaviors and emergency staff training or technical assistance to meet the individual's needs; and

D) The PASARR agent has:

- i) Reviewed the individual's record;
- ii) Gathered the necessary clinical information;
- iii) Reviewed the actions of the provider;
- iv) Met with the individual; and
- v) Determined that a delay in termination, suspension or reduction in services would imminently imperil the physical safety of the individual or others and has documented that fact in the individual's record.

(Source: Amended at 20 Ill. Reg. 4762, effective 1/1/00)

Section 120.120 Individual's Recipient responsibilities

a) Information to establish eligibility

The individual shall applicant-recipient must provide, as able, the factual information necessary to establish eligibility including the consent to release information as provided for in Section 120.100(c) of this Part 59-Adm-Code-120.100(c). The PASARR agent or service provider, with the consent of the individual recipient, may assist in obtaining such information.

b) Reporting changes of circumstances

1) It is the responsibility of the individual, recipient-parent or guardian or the individual's spouse to report all changes in circumstances (including change in address, housing arrangements, income or assets, level of service needed, eligibility for other benefits (if programs) to the Department of Public Aid and to the Provider within five working days after the change. Recipient-parent or guardian shall provide information to the Department of Public Aid and to the Provider within five working days after the change. Recipient-parent or guardian shall provide information to the Department of Public Aid and to the Provider within five working days after the change. Recipient-parent or guardian shall provide information to the Department of Public Aid and to the Provider within five working days after the change.

2) It is the responsibility of the individual, guardian or the individual's spouse to report changes in services (including changes in the type of services, level of service needed, eligibility for other supports or services provided through the Medicaid program, community-based services waiver program, such information shall be reported to the provider.

c) Application for other benefits

Individuals Recipients are required to apply for all other financial

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numbers, time, money, domestic, behavior, community orientation, recreation, vocational activities, behavioral problems, and medical disabilities.

B) Family and community characteristics--involvement of family and friends in the recipient's care and the stability of the family living arrangement.

E) Service characteristics--unmet service needs of the recipient in the areas of health, support, residential, and vocational.

7) If all other factors of eligibility are met, a preliminary individual habilitation plan is prepared to estimate the cost of services. The cost of services must not exceed the projected cost of institutional care in a state-operated facility.

8) Recipients' parents or guardians shall be given the choice of receiving long-term care or Medicaid home and community-based services.

b) The individual shall be a resident of Illinois. Financial eligibility criteria

Att--applicants--for--services--under--this--Part--will--apply--for--the--full range--of--Medicaid--services--under--the--provisions--of--the--State--Medicaid Plan--the--Department--of--Public--Aid--will--continue--to--conduct--Medicaid eligibility--determinations--under--existing--MANG--standards--for--income and--assets--as--specified--in--Department--of--Public--Aid--rules--49-117-Adm--Code--120-310--through--120-399--individuals--meeting--MANG eligibility--standards--will--meet--the--financial--criteria--for--services under--this--Part--as--well--as--eligibility--for--the--full--range--of--services under--the--State--Medicaid--Plan.

c) Prior to Medicaid waiver enrollment, the PASARR agent shall assess the individual using the same level of care criteria as used for placement into a state-operated developmental center or community ICF/MR. Program services are an alternative to ICF/MR placement. The criteria for this determination are contained in DPA's rule at 89 Ill. Adm. Code 140.642. Individuals demonstrating the ability to function independently shall not be eligible for program services.

d) The individual shall meet all financial and non-financial Medicaid eligibility criteria as specified in the approved State Medicaid Plan.

e) The individual shall not need a nursing facility level of care.

f) The individual shall not be receiving services in a nursing facility, skilled nursing facility (SNF), intermediate care facility (ICF), intermediate care facility for developmental disabilities (ICF/DD), including ICF/DD for 16 beds or fewer, state-operated facility, skilled nursing facility for pediatrics (SNF/PED), or hospital at the time program services are delivered.

4762

(Source: Amended at 20 Ill. Reg. _____, effective MAR 8 1996)

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a) The Department of Public Aid shall determine the individual's eligibility for medical assistance under DPA's rules at 89 Ill. Adm. Code 120.

b) The Department shall assign a PASARR agent case-coordinator to all individuals requesting services recipients. The PASARR agent shall case-coordinator will be responsible for compiling information as needed for the determination of eligibility. The review of eligibility shall must include the financial and non-financial criteria included in Section 120.140. This part and must afford the applicant a choice of alternative services. The case-coordinator will prepare a recommendation for the Department region office. The region will then authorize eligibility for Medicaid home and community-based services. Eligibility determination must be completed within 15 days of receipt of the financial information by the Department of Public Aid. The Department of Public Aid has a maximum of 60 days in which to make this determination.

c) Individuals or guardians shall be given the choice of receiving State-operated developmental center, community ICF/MR or Medicaid home and community-based services.

d) Eligibility for services under this Part may be denied for the following reasons:

1) An individual either fails to meet the financial eligibility criteria or non-financial criteria specified in Section 120.140 under this Part.

2) The applicant does not supply needed information to complete the eligibility determination. The services necessary to an adequate plan are not available or cannot be provided as a result of lack of funds for Medicaid home and community-based services.

3) The individual service/support habilitation plan cannot be designed to adequately meet the individual's recipient's needs within the service cost limitations.

4) Expenditure of funds for program services will increase the average per capita costs of services as specified in Section 120.87(C). The applicant is determined inappropriate for residence in a home or community-based setting.

5) The applicant does not supply needed information to complete the eligibility forms.

6) When expenditure of funds for Medicaid home and community-based services will increase the average per capita costs of services as specified in 49-117-Adm--Code--120-404.

e) A qualified mental retardation professional who region and case coordinator shall conduct a redetermination of Medicaid home and community-based services waiver program eligibility within 12 months after the last no less frequently than at the end of each 12-month eligibility determination or redetermination. Period--unless A redetermination shall also be conducted if, before 12 months have elapsed, there is a change in circumstances affecting affecting eligibility which necessitates a complete review (see Section 44-117

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

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6)5) Identification of all services and supports Services to be provided, regardless of provider or funding source, including type, training methods if applicable, frequency, duration and staff assigned availability;

6) Bated authorization for service delivery;

7) Documentation of any medical prescriptions, self-medication training, medication administration and oversight, and efforts to reduce reliance on psychotropic medications Identification of recipient's case coordinator and region staff contact;

8) Commencement date for service scheduled;

9) Identification of all staff and other persons contributing to the plan, including relationship to the individual, title and agency if applicable Documentation of certification/recertification;

9) Signature of the individual or guardian and of the qualified mental retardation professional; and

10) Termination summary, when appropriate.

c) The written individual service/support plan shall also identify the team consensus concerning the balance between the individual's rights and abilities to make informed decisions and have privacy and access to the community, and the responsibility of those persons providing services and supports to ensure the individual's health, safety and well-being. The individual's habilitation plan shall be reviewed at least every six months by the case coordinator, the recipient, parent or guardian, and/or responsible person, and amended in writing as necessary. Reviews will take place more frequently if the recipient's circumstances require a change in the habilitation plan. The written review should note any changes in the recipient's needs or progress made in reaching established goals.

1) The written plan shall identify those community and home situations when the individual may be away from the direct supervision of provider staff during those hours when staff are responsible for the individual.

2) When an individual's choices may result in potential harm to the individual, the individual's record shall document ongoing efforts by the service provider to inform the individual and guardian of the potential harm, to suggest alternatives and to minimize the potential harm.

3) When an individual's choices are not honored, the reasons shall be documented in the plan or the individual's record. Efforts to support the individual's choices shall also be documented.

d) The written individual service/support plan or individual record shall identify activities to ensure continuity of care during planned therapeutic absences, such as home visits or vacations, if residential services are part of the plan.

1) If absences are regular or known well in advance, the plan should include a goal of maintaining/increasing social contacts with family or friends. The plan should describe staff

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Adm---Code 120.120(b)). A redetermination shall with include an examination of financial and non-financial criteria identified in Section 120.140 59-III-Adm-Code-120-150(f). A redetermination of the presence of developmental disability is not required.

(Source: Amended at 20 Ill. Reg. 4762, effective

MAR 8 1996)

Section 120.160 Individual service/support habilitation plan

a) Subsequent to eligibility determination, a preliminary individual service plan shall be prepared by the PASARR agent or service provider that includes individual strengths, needs and recommended services/supports. Within 30 days after service initiation, an individual service/support habilitation plan shall with be prepared describing service and support needs of the individual a recipient, and specifying how those needs will be met. The preparation of the plan shall with be part of a planning an interdisciplinary team process which includes the individual, the guardian, if one has been appointed and is willing or able to participate, other persons chosen by the individual and a qualified mental retardation professional. The planning team process shall also include provider agency staff, service coordinator, staff of the facility of discharge, if applicable, and other professionals as needed. Case coordinators, the region facility of discharge, and other professionals as needed. Depending on the individual's upon recipient needs, planning team interdisciplinary participation may with include health professionals (physicians, nurses, dentists), psychologists, social workers, dietitians and physical, speech and occupational therapists. The recipient's family and/or significant others and service vendors are included in the process whenever feasible.

b) The individual service/support habilitation plan shall include the following written elements and be incorporated into the individual's case record:

1) Individual assessment information, including individual strengths, relevant barriers and impediments to full community participation and natural supports available Recipient identification information assessment summary;

2) Annual inventory for Client and Agency Planning (ICAP) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002 (1986)) or Scales of Independent Behavior (SIB) (DLM Teaching Resources, One DLM Park, Allen, Texas 75002 (1985)) ICFIS profile;

3) Individual's and guardian's personal goals, desired future outcomes, preferences and choices;

4)3) Service and support needs;

5)4) Functional goals Goals and measurable objectives with for the recipient within measurable timeframes for completion, if the individual is receiving habilitation services;

DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

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responsibilities for sharing information before and after the absences and for being available for consultation/assistance during the absences.

2) The individual record shall document the following staff activities if they occur:

A) Staff contacts (e.g., telephone, notes, in person) with family, friends or other persons providing care during the absence to explain behavioral programming, medications, expectations about chores/behavior, training and other service/support plan implementation issues that should be continued during the absence;

B) Notification concerning which staff to contact if assistance or advice is needed or if the individual needs to return early;

C) Staff contacts during the absence; and

D) Information received after the absence that may affect service/support plan implementation.

e) The individual service/support plan shall be reviewed at least annually by a planning team process as described in Section 120.130(a) of this Part. The plan shall be amended in writing as necessary. The qualified mental retardation professional who is working with the individual shall review the plan and the individual's progress, health, safety, and well-being at least once every three months.

(Source: Amended at 20 Ill. Reg. **4762**, effective **MAR 8 1996**)

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Public Information, Rulemaking and Organization

2) Code Citation: 2 Ill. Adm. Code 2175

3) Section Numbers:

2175.10 Repealed

2175.20 Repealed

2175.110 Repealed

2175.120 Repealed

2175.130 Repealed

2175.140 Repealed

2175.210 Repealed

2175.310 Repealed

2175.320 Repealed

2175.330 Repealed

2175.340 Repealed

2175.350 Repealed

2175.360 Repealed

2175.370 Repealed

2175.380 Repealed

2175.Appendix A Repealed

4) Statutory Authority: 5 ILCS 100/5-15 and 415 ILCS 5/5

5) Effective Date of Rulemaking: March 5, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 18, 1996

9) Notice of Proposal Published in Illinois Register: N/A

10) Has JCAR issued a Statement of Objections to these rules? N/A

11) Difference(s) between proposal and final version: N/A

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Board repealed its former administrative rules and in their place, adopted new administrative rules.

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED REPEALER

16) Information and questions regarding this adopted repealer shall be directed to:

Name: Kathleen Crowley
Address: Illinois Pollution Control Board
James R. Thompson Center
100 West Randolph Street, 11-500
Chicago, Illinois 60601
Telephone: (312) 814-6929

or

Name: Musette H. Vogel
Address: Illinois Pollution Control Board
600 South Second Street, Suite 402
Springfield, Illinois 62704
Telephone: (217) 524-8509

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organization, Public Information, and Types of Proceedings
- 2) Code Citation: 2 Ill. Adm. Code 2175
- 3) Section Numbers: Adopted Action:
- | | |
|-----------------|-----|
| 2175.100 | New |
| 2175.105 | New |
| 2175.110 | New |
| 2175.115 | New |
| 2175.120 | New |
| 2175.125 | New |
| 2175.130 | New |
| 2175.135 | New |
| 2175.140 | New |
| 2175.200 | New |
| 2175.205 | New |
| 2175.210 | New |
| 2175.215 | New |
| 2175.220 | New |
| 2175.300 | New |
| 2175.305 | New |
| 2175.310 | New |
| 2175.315 | New |
| 2175.320 | New |
| 2175.400 | New |
| 2175.500 | New |
| 2175.505 | New |
| 2175.510 | New |
| 2175.515 | New |
| 2175.520 | New |
| 2175.525 | New |
| 2175.530 | New |
| 2175.535 | New |
| 2175.600 | New |
| 2175.Appendix A | New |
- 4) Statutory Authority: 5 ILCS 100/5-15 and 415 ILCS 5/5
- 5) Effective Date of Rulemaking: March 5, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 18, 1996
- 9) Notice of Proposal Published in Illinois Register: N/A

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR issued a Statement of Objections to these rules? N/A
- 11) Difference(s) between proposal and final version: N/A
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These administrative rules concern the Illinois Pollution Control Board's organization and operations, address how public information may be obtained and describe the types of proceedings adjudicated by the Board. They also reflect the most current innovations of the Board's public access and the electronic address of the Board's Home Page found at the World Wide Web of the Internet.

16) Information and questions regarding these adopted rules shall be directed to:

Name: Kathleen Crowley
 Address: Illinois Pollution Control Board
 James R. Thompson Center
 100 West Randolph Street, 11-500
 Chicago, IL 60601
 Telephone: (312) 814-6929

or

Name: Musette H. Vogel
 Address: Illinois Pollution Control
 600 South Second Street, Suite 402
 Springfield, IL 62704
 Telephone: (217) 524-8509

The full text of the Adopted Rule begins on the next page:

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE E: MISCELLANEOUS STATE AGENCIES
 CHAPTER XXVII: POLLUTION CONTROL BOARD
 PART 2175

ORGANIZATION, PUBLIC INFORMATION, AND TYPES OF PROCEEDINGS

SUBPART A: INTRODUCTION AND ORGANIZATION

Section
 2175.100
 2175.105
 2175.110
 2175.115
 2175.120
 2175.125
 2175.130
 2175.135
 2175.140

Summary and Purpose
 Board Membership
 Organization and Supervisory Relationships
 Location of Offices
 Board Meetings
 Public Notice of Board Meetings
 Agenda of Board Meetings
 Minutes of Board Meetings
 Accessibility of Board Meetings and Hearings

SUBPART B: FEES AND FORMS OF PAYMENT

Section
 2175.200
 2175.205
 2175.210
 2175.215
 2175.220

Filing Fees
 Photocopying Fees
 Photocopying Procedures
 Forms of Payments
 Other Fees/Costs

SUBPART C: PUBLIC INFORMATION

Section
 2175.300
 2175.305
 2175.310
 2175.315
 2175.320

Files Open to Reasonable Public Inspection
 Publications
 Board's Home Page on World Wide Web Internet
 Documents Available from the Clerk's Office
 Requests for Information

SUBPART D: ACCESS TO BOARD RULES

Section
 2175.400

Access to Board Rules in the Illinois Administrative Code

SUBPART E: RULEMAKING

Section
 2175.500
 2175.505
 2175.510

Proposals
 Initial Hearing
 First Notice

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2175.515 Second Notice
 2175.520 Adopted Rules
 2175.525 Emergency Rules
 2175.530 Peremptory Rules
 2175.535 Adoption of Federal Regulations

SUBPART F: ADJUDICATORY PROCEEDINGS

Section
 2175.600 Adjudicatory Proceedings

APPENDIX A: ORGANIZATIONAL CHART

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5 of the Illinois Environmental Protection Act [415 ILCS 5/5].

SOURCE: Administrative rules adopted at 3 Ill. Reg. 23, p. 96, effective May 29, 1983; repealed by operation of law effective October 1, 1984; new rules adopted at 9 Ill. Reg. 107, effective December 21, 1984; Part repealed, new Part adopted at 20 Ill. Reg. 4798, effective MAR 5 1986.

SUBPART A: INTRODUCTION AND ORGANIZATION

Section 2175.100 Summary and Purpose

As required by Section 5-15 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/5-15] and Section 140/4 of the Freedom of Information Act (FOIA) [5 ILCS 140/4], this Part sets forth the administrative rules which apply to the Illinois Pollution Control Board (Board). These rules are intended to generally explain what the Board is, how the Board is organized and operates, and how the public can get information from the Board. These rules do not explain, and are not intended to explain, the Board's procedural requirements for processing rules and cases. Those procedural rules are found at 35 Ill. Adm. Code 101-120.

Section 2175.105 Board Membership

- a) The Board was created pursuant to Section 5 of the Illinois Environmental Protection Act (Act) [415 ILCS 5/5]. The Board is a quasi-legislative and quasi-judicial administrative agency responsible for adopting environmental regulations and deciding certain environmental disputes and cases brought pursuant to the Illinois Environmental Protection Act. The Board determines, defines and implements environmental control standards in accordance with the Illinois Environmental Protection Act.
- b) The Board is comprised of seven technically qualified members. The members are appointed by the Governor with the advice and consent of

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the Senate, for a term of three years.

- c) The Governor designates one member to serve as Chairman. The Chairman serves at the pleasure of the Governor and is responsible for the administration of the Board.

Section 2175.110 Organization and Supervisory Relationships

- a) Each member of the Board is aided by a confidential assistant who may be an attorney or who may have an advanced technical degree, and a personal secretary. The Chairman may have two confidential assistants and a personal secretary.
- b) In order to carry out its functions, the Board is comprised of the following offices and units: Clerk's Office, Legal Unit, Hearings Unit, Technical Unit, and Fiscal Unit. The function of each is as follows:

- 1) Clerk's Office. This Office is responsible for the processing, maintenance and distribution of all case related materials of the Board. The Clerk's Office is located in Chicago.
- 2) Legal Unit. This unit is responsible for general legal functions of the Board and case or rule-related legal responsibilities, as designated by the Chairman.
- 3) Technical Unit. This unit is comprised of environmental specialists responsible for gathering such technical and scientific data as may be required by the Board in the performance of its duties and for advising the Board on technical issues related to pending cases and rulemakings, as assigned by the Chairman.
- 4) Hearings Unit. Under the direction of a Chief Hearing Officer, this unit is comprised of attorneys responsible for conducting Board hearings throughout the State, making such rulings as may be necessary at hearing, and generally managing the Board's adjudicatory caseload.
- 5) Fiscal Office. Under the direction of a Fiscal Officer, this unit is responsible for budgeting, expenditures, procurement, computer operations, and related duties.
- c) The Board also employs other professional staff to carry out its functions and mandates, including but not limited to an Executive Coordinator, a Public Affairs Coordinator, a Human Services Coordinator, and a Legislative and Governmental Affairs Coordinator. Organizational relationships are shown in the organizational chart in Appendix A at the end of this Part. Detailed descriptions of the specific responsibilities and duties of each of the job titles are maintained in the Chicago office.

Section 2175.115 Location of Offices

- a) The Board maintains two central offices, one in Chicago and one in Springfield. The Board may also maintain satellite offices in various

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- b) The Clerk's Office is located in the Chicago Office. The address and general telephone number of the Chicago office is:

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-3669 (Fax)

- c) The Office of the Chairman, the Fiscal Office, and the Legislative/Government Affairs Coordinator are located in the Springfield office. The address and general telephone number of the Springfield office is:

Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
(217) 524-8500
(217) 524-8508 (Fax)

- d) The Board maintains satellite offices in the following locations:

Illinois Pollution Control Board
110 South State Street
Jerseyville, Illinois 62052
(618) 498-9802
(618) 498-5934 (Fax)

Illinois Pollution Control Board
148 North Third Street
P.O. Box 505
DeKalb, Illinois 60115
(815) 753-1904
(815) 753-1970 (Fax)

2175.120 Board Meetings

- a) The Board makes all decisions on adjudicatory cases and regulatory matters at open meetings of the Board noticed and held in accordance with the Open Meetings Act [5 ILCS 120]. The Board may hold closed meetings pursuant to Section 2(a) of the Open Meetings Act [5 ILCS 120/2(a)].
- b) Meetings may be held when a quorum, constituted by four members of the Board, is present. Four affirmative votes are required for any final

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determinations of the Board, except in a proceeding to remove a seal under Section 34(d) of the Illinois Environmental Protection Act [415 ILCS 5/34(d)].

- c) Meetings may be held with Board members physically present or present telephonically.
- d) Section 5 of the Illinois Environmental Protection Act requires the Board to hold at least one meeting each month and allows the Board to hold special and emergency meetings [415 ILCS 5/5]. The Chairman or two Board Members may call a special meeting of the Board.

Section 2175.125 Public Notice of Open Board Meetings

- a) Public Notice of Regular Meetings. Regular Board meetings are generally held every first and third Thursday of the month at the James R. Thompson Center (JTRC) in Chicago, but dates, times and locations are subject to change. Notification of these meetings is given in the Board's Environmental Register and on the Board's Home Page (see Section 2175.310). Notification of all Board meetings is also posted pursuant to Sections 2.02 and 2.03 of the Open Meetings Act [5 ILCS 120/2.02 and 2.03]. The schedule of meetings also appears at the end of every regular meeting agenda.
- b) Teleconferencing. The Board attempts to hold one meeting every quarter via teleconferencing equipment, with hook-ups in, at least, Chicago and Springfield. Both locations are open to the public.
- c) Public Notice of Special or Emergency Meetings. Notice of special or emergency meetings will generally be given to all Board members and the public 48 hours prior to the meeting. The notice will include a copy of the agenda and will comply with the Open Meetings Act. If, however, a majority of the Board certifies that an emergency exists and exigencies of time are such that the 48-hour notice must be dispensed with, a special meeting may be called by the Chairman or two Board Members merely by posting notice in the Board's offices and giving notice to the public as far in advance as is practicable, but prior to the holding of such meeting.
- d) Notice to Media. The Board gives notice of regular, special or emergency meetings to any news medium which has filed an annual request for such notice under Section 2.02(b) of the Open Meetings Act [5 ILCS 120/2.02(b)].

Section 2175.130 Agenda of Board Meetings

- a) The Board maintains an agenda of its open Board meetings in accordance with Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02]. Board agendas contain the list of cases and motions that may be decided by the Board at that meeting and are posted at the Board's offices and on the Board's Home Page (see Section 2175.310).
- b) The Board does not generally place any item on the agenda that has been filed less than two full days before a scheduled Board meeting.

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- c) The Board may also issue an addendum to the agenda and, as provided for in Section 2.02(a) of the Open Meetings Act [5 ILCS 120/2.02(a)], may consider items not specifically set forth on the agenda.

Section 2175.135 Minutes of Board Meetings

The Board will keep minutes of all meetings. Minutes of all meetings subject to the Open Meetings Act shall be available to the public at the Clerk's Office or on the Board's Home Page (see Section 2175.302) within seven days of approval of the minutes. The minutes will include the time, date, and place of the meeting, the items decided and the numeric decision vote.

Section 2175.140 Accessibility of Board Meetings and Hearings

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the Board will make every effort to hold public meetings and hearings in facilities which are accessible to people with disabilities. Persons requiring such services should contact Dorothy Gunn, Clerk of the Board, at 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601 or at 312/814-3620 within five (5) days prior to a Board meeting or hearing.

SUBPART B: FEES AND FORMS OF PAYMENT

Section 2175.200 Filing Fees

- a) A person filing an action for which a filing fee is prescribed by the Illinois Environmental Protection Act shall pay that fee at the time the petition is presented to the Clerk for filing.
- b) The following initial filings require filing fees and will only be considered filed when accompanied by the appropriate fee, which may be paid in the form of government voucher, money order or check made payable to the Illinois Pollution Control Board, but which may not be paid in cash:
- 1) Petition for Site-Specific Regulation, \$75;
 - 2) Petition for Variance, \$75;
 - 3) Petition for Review of Agency Permit Decision, UST Decision, or any other final appeal determination pursuant to Section 40 of the Illinois Environmental Protection Act [415 ILCS 5/40], \$75;
 - 4) Petition to Contest Local Government Pollution Control Facility Siting Decision, pursuant to Section 40.1 of the Illinois Environmental Protection Act [415 ILCS 5/40.1], \$75; and
 - 5) Petition for Adjusted Standard, pursuant to Section 28.1 of the Illinois Environmental Protection Act [415 ILCS 5/28.1], \$75.
- c) The Clerk will refuse to file any petition which is not accompanied by the required fee. The fee must be paid in the form specified in Section 2175.215 of these rules.

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Section 2175.205 Photocopying Fees

All files, records, and data may be copied at Board offices in Chicago upon payment of reasonable reproduction fees [415 ILCS 5/7] as follows:

- a) A copy of a single opinion and order will be furnished on request without cost, irrespective of length, with the dissenting and/or concurring opinion(s).

Copies of multiple opinions and orders cost 75 cents per page.

- b) Hearing Transcripts cost 75 cents per page.
 c) All other documents cost 75 cents per page.
 d) State agencies are, upon request, provided copies of opinions and orders and transcripts free of charge.

Section 2175.210 Photocopying Procedures

- a) All files, records, and data may be copied at Board offices in Chicago upon payment [415 ILCS 5/7].
- b) The Board will contract for any copying that would impose a substantial administrative burden on the Board. The person requesting such copies will be charged the reproduction charges incurred by the Board.
- c) Requests for copies will be honored in as timely a manner as possible. Requests for copies by mail will be honored. However, the Board reserves the right to charge the requesting party for the mailing costs incurred by the Board.

Section 2175.215 Forms of Payment

- a) Any amount over \$10 must be paid by check or money order made payable to the Illinois Pollution Control Board. A State agency may use an Office of the Comptroller voucher to remit payment for filing fees and photocopy charges.
- b) In the event that a check for filing fees, paid pursuant to Section 7.5 of the Illinois Environmental Protection Act is not honored by petitioner's bank, the Fiscal Officer may require that payment be made within 48 hours by certified check or money order. Failure to make payment may subject the parties to sanctions, including penalties as provided for in the Board's procedural rules. (See 35 Ill. Adm. Code 101-120.)
- c) In the event that a check for photocopying charges is not honored by the remitter's bank, the Fiscal Officer may require that payment be made within 48 hours by certified check or money order. The Fiscal Officer may also require that photocopy fees be paid only by certified check or money orders prior to the conveyance of material for any firm or individual who remits to the Board a check which subsequently is not honored by the remitter's bank.

ILLINOIS POLLUTION CONTROL BOARD

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Section 2175.220 Other Fees/Costs

The Board may, in its procedural rules (see 35 Ill. Adm. Code 101-120), provide for the payment of certain types of its costs where appropriate.

SUBSECTION C: PUBLIC INFORMATION

Section 2175.300 Files Open to Reasonable Inspection

- a) The Clerk will maintain files containing all information submitted to or produced by the Board or any of its members relating to matters within the Board's jurisdiction. Without limiting the foregoing, the files will include: pleadings, motions, notices, minutes, transcripts, exhibits, orders and opinions, proposed and adopted regulations, the Environmental Register and other Board releases, business records, and informal complaints.
- b) Pursuant to Section 1 of the Illinois State Records Act, the Clerk shall maintain for five (5) years, all documents submitted by the parties in rulemaking and adjudicatory cases [5 ILCS 160/11]. After five (5) years, the documents shall be microfilmed and the microfilm shall be maintained by the Board. Documents microfilmed for the Board's record are subject to destruction unless the parties request that the documents be returned at the closure of the five-(5) year period. Over-sized exhibits which are not capable of being microfilmed will be returned to the parties at their request or destroyed.
- c) All files, records, and data, other than personnel files, are maintained by the Clerk's Office and are available from the Clerk of the Board, in the Board's Chicago office only. Such types of material include but are not limited to:
 - 1) Documents filed within a case including, but not limited to, appearances, pleadings, exhibits, motions, transcripts of hearings, and public comments;
 - 2) Opinions & Orders of the Board;
 - 3) Copies of documents published by the Board for use by the general public, such as the Environmental Register.
- d) The files, records, and data of the Board are open to reasonable public inspection and copying in the Board's Chicago office, except for information exempted pursuant to Section 7 of the Freedom of Information Act [5 ILCS 140/7], including but not limited to, information which constitutes a trade secret; information privileged against introduction in judicial proceedings; internal communication between the Board and/or staff; draft orders and opinions and orders; and technical unit memoranda.
- e) The Board has adopted procedural rules at 35 Ill. Adm. Code 120 to establish the procedures to be taken by any person to obtain trade secret protection as described in Section 7 of the Illinois Environmental Protection Act [415 ILCS 5/7]. (See 35 Ill. Adm. Code

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101-120.)

Section 2175.305 Publications

a) Environmental Register

- 1) The Board will publish an Environmental Register containing reports of the Board's activities and notices of meetings and hearings. Single copies are provided free of charge at the Board's Chicago and Springfield Offices.
- 2) A yearly hard copy subscription may be purchased, at a cost of \$20 to defer reproduction and distribution charges, by contacting the Board's Chicago office. Government entities and not-for-profit organizations properly categorized as such under the Internal Revenue Code may request a free hard copy subscription to the Environmental Register. Proof of organizational status is required.
- 3) The Environmental Register is provided free of charge on the Board's Home Page as described in Section 2175.310.

b) Opinions, Orders, Regulations

- 1) Copies of opinions and orders of the Board are available upon request as provided at Section 2175.205(a).
- 2) The Board's opinions and orders are also available through various commercial services including LEXIS and Westlaw.
- 3) The Board's regulations are published in the Illinois Register (see Section 2175.305(d)) and by various commercial services. They are also published periodically by the Agency by subtitle and are available as quantities permit free of charge from the Board's Chicago office.

c) Annual Report

- 1) The Board publishes an Annual Report of the Chairman. The report includes information regarding the Board's membership, regulatory and case activities for the fiscal year, a summary of legislative activity affecting the Board, a summary of Board decisions reviewed by the courts during the fiscal year, and information on administrative activities.

- 2) When completed and printed, the Annual Report is available free of charge in reasonable quantities from the Board's Chicago and Springfield Offices.

d) Illinois Register

- 1) Required Filings. The Illinois Register is a publication containing all state regulations and is published by and available from the Office of the Secretary of State and various commercial services. The Board is required to publish the following information in the Illinois Register:
 - A) Notice of all proposed and adopted regulations as required by Section 5-40 of the IAPA. The notices describe the rules, contain contact names for questions and provide directions for participation at public hearings and

ILLINOIS POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- submission of written comments.
- B) Notice of all emergency and peremptory regulations as required by Sections 5-45 and 5-46 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45 and 5/46]. The notices describe the rules and contain contact names for questions.
- C) Results of Board determinations in adjusted standards proceedings pursuant to Section 28.1 of the Illinois Environmental Protection Act [415 ILCS 5/28.1]. The Board publishes this list at the close of each fiscal year, in July or August depending upon the Illinois Register publication schedule.
- D) A regulatory agenda which sets forth rules which the Board may be considering during a six-month period. This agenda is to list rules in advance of publication of the notice described in subsection (d)(1) of this Section. The regulatory agenda appears in January/February or July/August of each year, depending upon the Illinois Register publication schedule. The agenda describes the anticipated rules, contains contact names for questions, and provides directions for public participation.
- 2) Discretionary filings. Section 7.3 of the Illinois Environmental Protection Act [415 ILCS 5/7.3] and Section 5-70(b) of the Illinois Administrative Procedure Act [5 ILCS 100/5-70(b)] allow the Board to publish other documents concerning its activities. These include, but are not limited to, notices of public hearings, and notices of proposed and adopted identical-in-substance rules as discussed in Section 7.2 of the Illinois Environmental Protection Act [415 ILCS 5/7.2].

Section 2175.310 Board's Home Page on World Wide Web Internet

- a) The Board maintains a Home Page on the World Wide Web of the Internet. The information on the Home Page is continuously updated. The Board's Home Page includes, but is not limited to, the following information:
- 1) Board Members' Profiles
 - 2) Environmental Register
 - 3) Board Meeting Dates and Agendas
 - 4) Procedural Rules
 - 5) Administrative Rules
 - 6) Annual Reports
 - 7) Summary of Pending Rulemakings
 - 8) Summary of Recent Legislation Affecting the Board
- b) The information on the Board's Home Page can be downloaded free of Board charges. The Home Page can be accessed through the Internet using any commercially available on-line service. The Home Page can be accessed directly via the following electronic address:

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<http://www.state.il.us/pcb/pcbpage.htm>

- c) The Board's Home Page can also be accessed through State of Illinois Home Page (under the "Agencies" option) at the following electronic address:

<http://www.state.il.us/>

Section 2175.315 Documents Prepared by the Clerk's Office

Various documents are routinely prepared by and for the Clerk's office for internal use by the Board and are also available for inspection and copying. These include, but are not limited to, docket sheets, listings of cases by type and tracking sheets. Copies will be available within five (5) working days of a request at a cost of \$5.00 per page.

Section 2175.320 Requests for Information

- a) Informal requests for information may be made to any Board office. Informal requests will be filled promptly upon receipt of the request. However, where a request for information maintained by the Clerk's Office is made at other than the Chicago office, some delay may be necessary to allow for the Clerk's office to provide the material. Inspection of documents can only take place at the Clerk's Office.
- b) A formal request for information pursuant to the Freedom of Information Act (FOIA) shall state that it is a formal request pursuant to FOIA. The formal request shall be addressed to the Clerk of the Board, who shall date stamp the request upon receipt. All formal requests will be processed pursuant to the time frame requirements set forth in FOIA. The FOIA requires an initial response to the request be made within seven (7) working days of receipt of the formal request, subject to extension.
- 1) Any person whose formal request is denied by the Clerk may appeal such denial by filing a written notice of appeal addressed to the Chairman of the Board. The notice of appeal shall include a copy of the formal request, the Clerk's denial letter, and a statement of why the person believes the denial was improper. The Chairman will determine in writing whether the Clerk's denial was proper or improper, and will notify the person within seven (7) working days after receipt of the notice.
- 2) If the Chairman affirms the denial or fails to take action within seven (7) working days, the person may file suit in circuit court for injunctive or declaratory relief pursuant to Section 11 of the FOIA [5 ILCS 140/11].

SUBPART D: ACCESS TO BOARD RULES

Section 2175.400 Access to Board Rules in the Illinois Administrative Code

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- a) All Board rules have been codified under Title 35 of the Illinois Administrative Code since October 1983. Each general area of regulation has been assigned a particular Subtitle as set out below:

SUBTITLE	SUBJECT MATTER
A	Procedural Rules
B	Air Rules
C	Water Rules
D	Mine Rules
E	Livestock Waste
F	Public Water Supplies
G	Waste Disposal
H	Noise Rules
I	Nuclear Radiation
M	Biological Materials

- b) The Subtitles listed in subsection (a), above, also include some rules of the Environmental Protection Agency and the Department of Natural Resources. The Board's rules appear at Chapter I of each of the Subtitles.

SUBPART E: RULEMAKING

Section 2175.500 Proposals

- a) Rulemaking procedures are set out in 35 Ill. Adm. Code 102.
 b) Proposals for adoption, amendment or repeal of a substantive regulation may be made by the Environmental Protection Agency (Agency), the Illinois Department of Natural Resources (Department), the Board or any member of the public. Proposals made by the Agency, Department or Board are automatically scheduled for hearings.
 c) In the case of a proposal made by a member of the public, the proposal must be accompanied by a petition signed by 200 persons, specifying home addresses, unless that requirement is waived by the Board. When the proposal is accompanied by a petition, the matter is placed on the agenda for Board decision. Generally, the Board will authorize a hearing unless it determines that the proposal is plainly devoid of merit, or deals with a subject on which a hearing has been held within the preceding six months, or is not accompanied by an adequate statement of supporting reasons. The proponent will be notified of an adverse decision and of the reasons for such a decision.

Section 2175.505 Initial Hearing

- a) All hearings on regulatory proposals are conducted according to 35 Ill. Adm. Code 102. These hearings are open to the public, and at such hearings, the public is permitted to examine the record, examine

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- witnesses (except as limited by the Hearing Officer), testify and submit evidence.
 b) Unless otherwise directed by the Hearing Officer or the Board, the record remains open for public comment for a minimum of 14 days following the close of the hearing. Any person may make a written submission on the proposal within this period or during the first notice period pursuant to the Administrative Procedure Act (IAPA) [5 ILCS 100].

Section 2175.510 First Notice

- a) The Board may adopt a proposed rule for first notice pursuant to Section 5-40 of the IAPA at any time after a regulatory proceeding is initiated [5 ILCS 100/5-40]. Generally, the Board does not proceed to first notice until merit and economic hearings have concluded and comments have been received unless there is a need to proceed more expeditiously.
 b) The public has a right to comment on the proposed rules during the first notice period and retains all other rights set out in Section 5-40 of the IAPA [5 ILCS 100/5-40].
 c) Pursuant to Section 28 of the Illinois Environmental Protection Act, the Board may, in general, revise the proposed regulation before adoption without conducting further hearings [415 ILCS 5/28].

Section 2175.515 Second Notice

- a) Upon termination of the first notice period, the Board may adopt the proposal for second notice pursuant to Section 5-40 of the IAPA [5 ILCS 100/5-40], for review by the Joint Committee on Administrative Rules (JCAR).
 b) After the second notice period has commenced, the proposed rules will only be amended in response to JCAR recommendations.

Section 2175.520 Adopted Rules

- a) At the conclusion of the second notice period, the Board may adopt a final opinion and order adopting the new rules and setting forth the reasons for adoption.
 b) The adopted rules are then filed with the Secretary of State and are published in the Illinois Register along with supporting information.

Section 2175.525 Emergency Rules

Pursuant to the Illinois Emergency Services and Disaster Act of 1975 [65 ILCS 5], on proclamation by the Governor, that a disaster emergency exists, or when the Board finds that a severe public health emergency is involved in relation to any proposed regulation, then such regulation shall take effect without delay and the Board may proceed with the required economic impact hearings

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while the regulation continues in effect. When such an emergency exists, the customary 45 day notice provision is waived; however, notice and text of the emergency rule must be published in the Illinois Register. An emergency rule is effective for a maximum period of 150 days pursuant to Section 5-45 of the IAPA [5 ILCS 11/5-45], but it may be adopted as a permanent rule by following usual rulemaking procedures.

Section 2175.530 Peremptory Rules

When the Board is required by federal law, federal rules and regulations or by a court order to adopt a certain rule, that rule need not be published in the Illinois Register until it has been adopted pursuant to Section 5-50 of the IAPA [5 ILCS 100/5-50]. However, notice and text of the adopted rule must be published in the Illinois Register pursuant to Section 5-70 of the IAPA [5 ILCS 100/5-70].

Section 2175.535 Adoption of Federal Regulations

The Board adopts regulations in the following programs pursuant to Section 7.2 of the Illinois Environmental Protection Act [415 ILCS 5/7.2] that are identical in substance to federal regulations and which are exempt from Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40]:

- a) Exemptions from the definition of volatile organic material: Section 9.1(e) of the Illinois Environmental Protection Act [415 ILCS 5/9.1(e)],
- b) Underground injection control (UIC): Section 13(c) of the Illinois Environmental Protection Act [415 ILCS 5/13(c)],
- c) Wastewater pretreatment: Section 13.3 of the Illinois Environmental Protection Act [415 ILCS 5/13.3],
- d) Safe Drinking Water Act (SDWA): Section 17.5 of the Illinois Environmental Protection Act [415 ILCS 5/17.5],
- e) Resource Conservation and Recovery Act, Subtitle C, hazardous waste (RCRA Subtitle C): Section 22.4(a) of the Illinois Environmental Protection Act [415 ILCS 5/22.4(a)],
- f) Resource Conservation and Recovery, Illinois Environmental Protection Act, Subtitle I, underground storage tank (UST): Section 22.4(d) of the Illinois Environmental Protection Act [415 ILCS 22.4(d)],
- g) Resource Conservation and Recovery Act, Subtitle D, municipal solid waste landfills (RCRA Subtitle D): Section 22.40(a) of the Illinois Environmental Protection Act [415 ILCS 5/22.40(a)].

SUBPART F: ADJUDICATORY PROCEEDINGS

Section 2175.600 Adjudicatory Proceedings

- a) The Board is authorized to hear the following types of adjudicatory cases: (See 35 Ill. Adm. Code 101-120 for procedural rules governing

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the processing of these cases.)

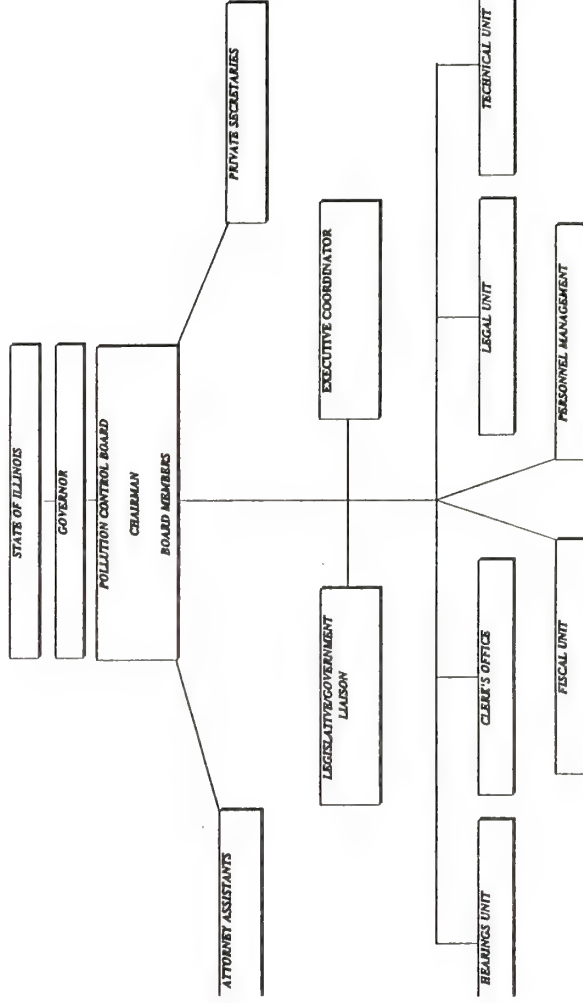
- 1) Enforcement Act. The Illinois Attorney General or any person may initiate an enforcement action by the filing of a complaint pursuant to Section 31 of the Illinois Environmental Protection Act [415 ILCS 5/31].
- 2) Permit Appeal. Any person who has been denied a permit or who has been issued a permit by the Illinois Environmental Protection Agency pursuant to Section 39 of the Illinois Environmental Protection Act [415 ILCS 5/39] with one or more conditions to which that person objects may file a petition with the Board for a review of the Agency's action.
- 3) Pollution Control Facility Siting Review. An applicant for local siting approval of a pollution control facility who has been denied such approval by a county board or the governing body of a municipality or third party who participated in the public hearing conducted by a county board or the governing body of a municipality may contest that decision by filing a petition for hearing pursuant to Section 40.1(a) of the Illinois Environmental Protection Act [415 ILCS 5/40.1(a)].
- 4) Variances/Adjusted Standards. Any person adversely affected by a Board rule or order may file a petition for a variance or adjusted standard pursuant to Section 37 of the Illinois Environmental Protection Act [415 ILCS 5/37].
- 5) Trade Secret Determination. Any person who is adversely affected by a trade secret determination made by the Illinois Environmental Protection Agency or the Illinois Department of Natural Resources may contest that determination to the Board.
- 6) Appeal of OSFM Denial of Eligibility to UST Program. Owners or operators of underground storage tanks who have been denied eligibility to access the underground storage tank reimbursement fund by the Office of State Fire Marshal may petition for review pursuant to Section 57.9(c) of the Illinois Environmental Protection Act [415 ILCS 5/57.9(c)].
- 7) Appeal of Agency Decisions Regarding UST Program. Owners or operators of underground storage tanks who have been denied reimbursement by the Agency may petition for review pursuant to Section 40 of the Illinois Environmental Protection Act [415 ILCS 5/40].
- 8) Pollution Control Facility Certifications. Application for a pollution control facility certificate demonstrating that a particular facility is entitled to tax treatment as a pollution control facility as defined in Section 11-10 of the Property Tax Code may be filed with the Board pursuant to Sections 11-25 and 11-30 of that Code [35 ILCS 200/11-25 and 11/30].
- 9) Administrative Citations. The Agency or a unit of local government delegated authority by the Agency, may issue administrative citations for violations of the Illinois Environmental Protection Act, Section 21, and these citations

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APPENDIX A

ORGANIZATIONAL CHART



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shall be enforceable by filing copies with the Board pursuant to Section 31.1 of the Illinois Environmental Protection Act [415 ILCS 5/31.1]. The respondent named in the administrative citation may file a petition for review with the Board.

10) Water Well Setback Exceptions. A water well owner may petition the Board for an exception from the water well setback requirements of the Illinois Environmental Protection Act by filing a petition with the Board and the Agency pursuant to Section 14.2 of the Illinois Environmental Protection Act [415 ILCS 5/14.2].

11) Other. Any other proceedings which are authorized by the Illinois Environmental Protection Act or procedural rules may be brought before the Board pursuant to statutory authority and any Board regulations adopted thereunder.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Appeal of Child Abuse and Neglect Investigation Findings

- 2) Code Citation: 89 Ill. Adm. Code 336

- 3) Section Numbers: Emergency Action:

336.20 Amend

336.120 Amend

336.130 Amend

336.150 Amend

- 4) Statutory Authority: 325 ILCS 5/7-16

- 5) Effective Date of Amendments: March 15, 1996

- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: March 15, 1996

- 8) Reason for Emergency: The Illinois Appellate Court, Second District, ruled in the *Cavaretta vs DCF* (2-95-0462) case that the credible evidence standard used in Department expungement hearings was unconstitutional and suggested that the preponderance of evidence standard be used. The Department believes that emergency rulemaking is needed because individuals who are currently appealing indicated findings of abuse or neglect would be harmed in the interim while waiting for the Department to implement the change through the regular rulemaking process.

- 9) A Complete Description of the Subjects and Issues Involved: The Department's administrative law judges currently apply a credible evidence standard when conducting appeals of indicated findings of child abuse or neglect. The Illinois Appellate Court, Second District, ruled this to be unconstitutional. Therefore, the Department is adopting a higher standard of evidence to be used at administrative hearings. That standard is the preponderance of the evidence standard which means the greater weight of the evidence or evidence which renders a fact more likely than not.

- 10) Are there any proposed amendments to this Part pending? No

- 11) Statement of Statewide Policy Objectives: These rules do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

- 12) Information and questions regarding these rules shall be directed to:

Jacqueline Nottingham

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Chief, Office of Rules and Procedures
Department of Children and Family Services

406 East Monroe, Station #222

Springfield, Illinois 62701-1498

Telephone: (217) 524-1983

TTY: (217) 524-3715

The full text of the emergency rules begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 336

APPEAL OF CHILD ABUSE AND NEGLECT
 INVESTIGATION FINDINGS

Section	Purpose
336.10	Definitions
<u>EMERGENCY</u>	
336.30	Who May Appeal
336.40	What May Be Appealed
336.50	What May Not Be Appealed
336.60	The Right to Appeal and Receive a Fair Hearing
336.70	Notices of Department Decisions
336.80	The Appeal Process
336.90	Child Protection Internal Review
336.100	Notice of Internal Review Decision
336.110	The Administrative Hearing
336.120	Rights and Responsibilities in Administrative Hearings
<u>EMERGENCY</u>	
336.130	The Administrative Law Judge
<u>EMERGENCY</u>	
336.140	Combined or Separate Hearings
336.150	Final Administrative Decision
<u>EMERGENCY</u>	
336.160	Records of Administrative Hearings
336.170	Severability of This Part

AUTHORITY: Authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; implementing Section 7.16 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.16]

SOURCE: Adopted at 17 Ill. Reg. 1026, effective January 15, 1993; amended at 19 Ill. Reg. 1765, effective March 1, 1995; emergency amendments at 20 Ill. Reg. **4817**, effective March 15, 1996, for a maximum of 150 days.

Section 336.20 DefinitionsEMERGENCY

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon

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such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. [325 ILCS 5/3] ~~(iii)~~
~~Rev--Stat--1991--ch--237--par--2853+~~

"Administrative hearing" in the context of this Part means a formal review of a decision made by a Department child protection investigator which has been upheld by an internal review.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearing Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Administrator of the child protection internal review system" means the person who is responsible for coordinating the child protection internal review process.

"Amend" as used in this Part means changing an allegation contained in an indicated report of child abuse or neglect or changing identifying information regarding the subjects of an indicated child abuse or neglect report.

"Appeal process" means the two step appeal process, including the child protection internal review and the formal administrative hearing.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is

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requested.

"Child protection appeal form" means the Department's form used to gather appellants' information supporting their request to amend or expunge the indicated report.

~~"Credible evidence of child abuse--or--neglect"--means--that--all--the available--facts--when--viewed--in--light--of--surrounding--circumstances--would--cause--a--reasonable--person--to--believe--that--a--child--was--abused--or--neglected."~~

"Child protection internal review" means an informal review held at the Department's child protection administrative level in order to reevaluate the determination made by a child protection investigator.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark on the appellant's request to appeal the Department's decision that the report was indicated.

"Department's representative" means the person who is responsible for presenting the Department's case.

"Expunge", as used in this Part, means removing identifying information regarding the subjects of an indicated child abuse or neglect report from the computer file of the State Central Register and from paper records kept by the Department.

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case, which affects the legal rights, duties or privileges of participants and which may be further appealed to the circuit court under the Administrative Review Law.

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Neglected Child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare),

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including adequate food, clothing and shelter: or who is abandoned by his or her parents or other person responsible for the child's welfare or who is a newborn infant whose blood or urine contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/3] ~~§§§§--Rev--State--1997 ch--237--par--2053~~. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"person Responsible for the Child's Welfare" means the child's parent; guardian; foster parent; operator, supervisor, or employee of a public or private residential agency or institution; or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3] ~~§§§§--Rev--State--1997 ch--237--par--2053~~

"Preponderance of the evidence" means the greater weight of the evidence or evidence which renders a fact more likely than not.

"State Central Register" means the specialized Department unit which receives and transmits reports of alleged child abuse and neglect.

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"Subject of Report" means any child reported to the State Central Register, and his or her parent, personal guardian, or other person responsible for the child's welfare, who is also named in the report. [325 ILCS 5/3] ~~+++Rev--Stat--1991--ch--23--par--2053+~~

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists. [325 ILCS 5/3] ~~+++Rev--Stat--1991--ch--23--par--2053+~~

(Source: Emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days)

Section 336.120 Rights and Responsibilities in Administrative Hearings
EMERGENCY

- a) An appellant may bring a representative, including legal counsel, to the hearing. Expenses of a representative or of an appellant's witnesses shall be paid by the appellant.
- b) An appellant may request the Department employee who had direct involvement in the case or other persons who may have information relevant to the issues in dispute to attend the hearing by asking the administrator of the appeal hearing system to issue appropriate subpoenas. Witness fees and travel expenses for persons other than Department employees are the responsibility of the party requesting the subpoena.
- c) Children under 14 years of age shall not be subpoenaed by either party to testify or be involved in the hearing process, unless the administrative law judge determines that the child's testimony or involvement is essential to a determination of the appeal. In making this determination the administrative law judge shall require a showing that there is no likelihood of inflicting emotional harm to the particular child (children) involved.
- d) Any motions from the appellant or the Department shall be filed with the administrative law judge, at least 10 calendar days before the hearing. Copies shall be sent to the Department's representative and the appellant.
- e) At the appellant's request, the Department shall provide an interpreter at no cost to the appellant if English is not the appellant's primary language or a sign interpreter if the appellant is hearing impaired.
- f) Both the appellant and the Department have the right to examine and copy documents and other information to be used by either party and to receive a list of witnesses to be called by either party at the hearing by requesting them at least 10 calendar days before the hearing. The administrative law judge may prohibit the introduction of the requested evidence if not provided within the time frame.
- g) During the administrative hearing, the appellant and the Department

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have the right to:

- 1) present and question witnesses;
 - 2) present any information relevant to the issues;
 - 3) question or disprove any information, including an opportunity to question opposing witnesses, except as provided for in Section 336.130(b)(7) of this Part; and
 - 4) dispose of any disputed issue by mutually agreeing to a resolution any time prior to the conclusion of the administrative hearing.
- h) In an administrative hearing concerning child abuse or neglect reports:
- 1) the Department carries the burden of proof of justifying the refusal to amend, expunge or remove the record;
 - 2) the Department must prove that a preponderance of the evidence supports ~~show-that--credible--evidence--exists--to--support~~ the indicated finding, according to Department Rules, 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect; and
 - 3) the administrative law judge has the authority to recommend changes in the child abuse and neglect record.

(Source: Emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days)

Section 336.130 The Administrative Law Judge
EMERGENCY

- a) Appointment of the Administrative Law Judge
 The Administrator of the Administrative Hearing Unit shall select and the Director shall appoint a trained, impartial administrative law judge from the available pool to conduct the appeal hearing. The administrative law judge shall:
 - 1) be an attorney licensed to practice law in the State of Illinois;
 - 2) possess knowledge and information acquired through training and/or experience relevant to the field of child and family welfare law, including familiarity with Department rules, procedures and functions;
 - 3) not have been involved in the decision to take the action being appealed or have rendered legal advice to the decision maker on the issue; and
 - 4) not have a personal or professional interest which interferes with exercising objectivity or have any bias against the parties or issues appealed. An adverse ruling, in and of itself, shall not constitute bias or conflict of interest.
- b) Functions of the Administrative Law Judge
 The administrative law judge shall have all authority allowed under the Illinois Administrative Procedure Act [5 ILCS 100] ~~+++Rev--Stat--1991--ch--127--par--1--et--seq--7~~. This authority shall include, but is not limited to, the following:

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- 1) conduct a fair, impartial and formal hearing in which the strict rules of evidence do not apply;
- 2) provide for the recording of the hearing;
- 3) inform participants of their individual rights and their responsibilities;
- 4) conduct preliminary and prehearing telephone conferences, if necessary, between the parties and/or their attorneys to provide information about the procedural aspects of the hearing, narrow the issues and discuss possible stipulations and contested points of law, in order to expedite the actual hearing;
- 5) take necessary steps to develop a full and fair record which contains all relevant facts;
- 6) administer an oath or an affirmation to all witnesses;
- 7) quash or modify subpoenas for good cause, including but not limited to, relevance, scope, materiality and emotional harm or trauma to the subpoenaed witness;
- 8) conduct in-camera reviews with alleged child abuse or neglect victims, as is authorized in the Juvenile Court Act of 1987 [705 ILCS 405/2-18] (~~§111-Rev-Stat--1991--ch-377-par-002-107~~). For the purpose of this Part, an in-camera review means that the alleged abuse or neglect victim may testify outside the presence of the alleged perpetrator, with only the administrative law judge, Department and appellant's representative or attorney and court reporter, if applicable, present. If the appellant is unrepresented, the administrative law judge may continue the hearing to give the appellant the opportunity to obtain representation for the in-camera hearing;
- 9) allow into evidence previous statements made by the child relating to abuse or neglect as hearsay exceptions;
- 10) preserve all documents and evidence for the record;
- 11) rule upon evidentiary issues and contested issues of law at the hearing or take matters under advisement pending issuance of the written opinion and recommendation;
- 12) order the removal of any person from the hearing room who is creating a disturbance whether by physical actions, profanity or otherwise engaging in conduct which disrupts the hearing;
- 13) identify the issues, consider all relevant facts and receive or request any additional information necessary to decide the matter in dispute, including but not limited to, the submission of briefs, memoranda of law, affidavits or post hearing briefs; and
- 14) present a written opinion and recommendation to the Director within 30 calendar days after the record of the administrative hearing is completed or transcript is received. This report shall include a recommended decision on whether there is a preponderance of ~~credible~~ evidence of abuse or neglect based on information considered at the hearing contained in the administrative record. The opinion shall contain a summary of the evidence, findings of fact, conclusions of law and a

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recommendation.

(Source: Emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days)

Section 336.150 Final Administrative Decision
EMERGENCY

- a) Making the Final Administrative Decision
 The Director of the Department shall receive the recommended decision from the administrative law judge and shall agree, disagree, or modify the recommended decision based upon a preponderance of ~~the-credible~~ evidence standard. The Director's decision is the final administrative decision of the Department. If the decision requires corrective action by the Department, the Director shall appoint a Department staff person who shall be responsible for assuring compliance with the decision.
- b) Notice of the Availability of Judicial Review
 The Department shall include a notice to appellants as part of the final administrative decision. This notice shall include the name of the person responsible for compliance, if applicable, and shall advise the appellants that, under the provisions of the Administrative Review Law [735 ILCS 5/Art. III], they may seek judicial review of the Department's decisions if it is unfavorable to them, within the statutory time frame.
- c) Who Receives Copies of the Final Administrative Decision
 The appellant or authorized representative, the Department child protection investigation unit, the Department's representative, the administrative law judge (except for notices of internal review decisions), the Administrator of the Administrative Hearing Unit, and the State Central Register shall receive a copy of the final administrative decision.
- d) Notifying Others of the Decision
 1) The following persons shall receive a notice of the final administrative decision:
 A) the Illinois Department of Professional Regulation, district, regional and private school superintendents and the State Board of Education when they have been notified that an appeal has been filed in accordance with 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect, Section 300.140;
 B) administrators of child care facilities and Department licensing staff when the appellant is an employee of a child care facility; and
 C) supervisors or administrators notified in accordance with 89 Ill. Adm. Code 300.100(i).
 2) The following persons shall receive a notice of the final administrative decision, if the decision amends, expunges or

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removes any record made under Section 7.17 of the Abused and Neglected Child Reporting Act 1991 [325 ILCS 5/7.17]:

- A) parents or personal guardians of the child victim(s) if they are not the same as the appellant;
- B) the mandated reporter who originally made the report of child abuse or neglect; and
- C) the juvenile court judge and guardian ad litem (when a State ward is involved).

(Source: Emergency amendment at 20 Ill. Reg. 4817, effective March 15, 1996, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pharmacy Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1330
- 3) Section Numbers:
1330.05 Proposed Action
1330.65 Withdrawal
1330.70 Withdrawal

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:
February 16, 1996 20 Ill. Reg. 3041

- 5) Reason for the Withdrawal After receiving objections to the proposed rules from the Illinois Department of Public Aid and the Illinois Pharmacists Association, the State Board of Pharmacy recommended to the Department of Professional Regulation that proposed amendments involving patient counseling by pharmacists be withdrawn. The Board will attempt to work out a compromise with those in disagreement before addressing patient counseling procedures for pharmacists in another rulemaking.

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LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as follows. This listing includes only the water quality criteria that have been used during the period November 1, 1995 through January 31, 1996.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of criteria used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; and 20 Ill. Reg. 649, January 5, 1996.

Chemical: Acenaphthene Acute criterion: 124 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #83-32-9 Chronic criterion: 9.9 ug/l
Chemical: Acetone Acute criterion: 1,530 mg/l Date criteria derived: May 25, 1993 Applicable waterbodies: Not used during this period.	CAS #67-64-1 Chronic criterion: 122 mg/l
Chemical: Acetonitrile Acute criterion: 375 mg/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #75-05-8 Chronic criterion: 30 mg/l
Chemical: Acrylonitrile Acute criterion: 910 ug/l Human health criterion (HNC): 0.21 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #107-13-4 Chronic criterion: 73 ug/l
Chemical: Anthracene Human health criterion (HTC): 35 mg/l Date criteria derived: August 18, 1993 Applicable waterbodies: Not used during this period.	CAS #120-12-7

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Chemical: Benzene Acute criterion: 5,200 ug/l Human health criterion (HNC): 21 ug/l Date criteria derived: August 15, 1990 Applicable waterbodies: Not used during this period.	CAS #71-43-2 Chronic criterion: 416 ug/l
Chemical: Benzo(a)anthracene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #56-55-3
Chemical: Benzo(a)pyrene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #50-32-8
Chemical: Benzo(b)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS # 205-99-2
Chemical: Benzo(k)fluoranthene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #207-08-9
Chemical: Carbon tetrachloride Acute criterion: 3,500 ug/l Human health criterion (HNC): 1.4 ug/l Date criteria derived: June 18, 1993 Applicable waterbodies: Not used during this period.	CAS #56-23-5 Chronic criterion: 280 ug/l
Chemical: Chlorobenzene Acute criterion: 993 ug/l Date criteria derived: December 11, 1991 Applicable waterbodies: Not used during this period.	CAS #108-90-7 Chronic criterion: 79 ug/l

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Chemical: Chloroform Acute criterion: 1,870 ug/l Human health criterion (HNC): 130 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #67-66-3 Chronic criterion: 150 ug/l
Chemical: Chrysene Human health criterion (HNC): 0.01 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #218-01-9
Chemical: 1,2-dichlorobenzene Acute criterion: 210 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #95-50-1 Chronic criterion: 16.8 ug/l
Chemical: 1,3-dichlorobenzene Acute criterion: 500 ug/l Date criteria derived: July 31, 1991 Applicable waterbodies: Not used during this period.	CAS #541-73-1 Chronic criterion: 196 ug/l
Chemical: 1,2-dichloroethane Acute criterion: 24,900 ug/l Human health criterion (HNC): 23 ug/l Date criteria derived: March 19, 1992 Applicable waterbodies: Not used during this period.	CAS #107-06-2 Chronic criterion: 4,540 ug/l
Chemical: 1,1-dichloroethylene Acute criterion: 3,030 ug/l Human health criterion (HNC): 0.95 ug/l Date criteria derived: March 20, 1992 Applicable waterbodies: Not used during this period.	CAS #75-35-4 Chronic criterion: 242 ug/l
Chemical: 2,4-dichlorophenol Acute criterion: 631 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #120-83-2 Chronic criterion: 83.1 ug/l

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Chemical: 1,2-dichloropropane Acute criterion: 4,800 ug/l Date criteria derived: December 7, 1993 Applicable waterbodies: Not used during this period.	CAS #78-87-5 Chronic criterion: 380 ug/l
Chemical: 1,3-dichloropropylene Acute criterion: 99 ug/l Date criteria derived: November 13, 1991 Applicable waterbodies: Not used during this period.	CAS #542-75-6 Chronic criterion: 7.9 ug/l
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol Acute criterion: 28.8 ug/l Date criteria derived: November 14, 1991 Applicable waterbodies: Not used during this period.	CAS #534-52-1 Chronic criterion: 2.3 ug/l
Chemical: 2,4-dinitrophenol Acute criterion: 85.3 ug/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #51-28-5 Chronic criterion: 4.07 ug/l
Chemical: 2,6-dinitrotoluene Acute criterion: 1,910 ug/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #606-20-2 Chronic criterion: 153 ug/l
Chemical: Ethylbenzene Acute criterion: 216 ug/l Date criteria derived: August 15, 1990, revised May 17, 1991 Applicable waterbodies: 07090005-029/off unnamed tributary to Coal Creek 07120004-010/off Flag Creek 07120004-012/off tributary to Silver Creek 07120004-016/off storm sewer to Salt Creek 07130011-005/off Seminary Creek to Apple Creek 07130011-011/off tributary to North Branch Mauvaise Terre Creek 07140202-012/off North Fork Stream tributary to Carlyle Lake 07140202-023/off Lanes Branch, Dry Fork, Kaskaskia River	CAS #100-41-4 Chronic criterion: 17.2 ug/l

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Chemical: Fluoranthene Human health criterion (HTC): 120 ug/l Date criteria derived: August 10, 1993 Applicable waterbodies: Not used during this period.	CAS #206-44-0
Chemical: Hexachlorobenzene Human health criterion (HNC): 0.00025 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #118-74-1
Chemical: Hexachlorobutadiene Acute criterion: 34.5 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #87-68-3 Chronic criterion: 2.76 ug/l
Chemical: Hexachloroethane Acute criterion: 381 ug/l Human health criterion (HNC): 2.9 ug/l Date criteria derived: November 15, 1991 Applicable waterbodies: Not used during this period.	CAS #67-72-1 Chronic criterion: 30.5 ug/l
Chemical: Isobutyl alcohol = 2-methyl-1-propanol Acute criterion: 434 mg/l Date criteria derived: December 1, 1993 Applicable waterbodies: Not used during this period.	CAS #78-83-1 Chronic criterion: 34.8 mg/l
Chemical: Methylen chloride Acute criterion: 17,200 ug/l Human health criterion (HNC): 340 ug/l Date criteria derived: January 21, 1992 Applicable waterbodies: Not used during this period.	CAS #75-09-2 Chronic criterion: 1,380 ug/l
Chemical: Methyl ethyl ketone Acute criterion: 322,000 ug/l Date criteria derived: July 1, 1992 Applicable waterbodies: Not used during this period.	CAS #78-93-3 Chronic criterion: 26,000 ug/l

Chemical: 4-methyl-2-pentanone Acute criterion: 46 mg/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #108-10-1 Chronic criterion: 3.68 mg/l
Chemical: Naphthalene Acute criterion: 670 ug/l Date criteria derived: November 7, 1991 Applicable waterbodies: Not used during this period.	CAS #91-20-3 Chronic criterion: 68 ug/l
Chemical: Nitrobenzene Acute criterion: 15.4 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992 Applicable waterbodies: Not used during this period.	CAS #98-95-3 Chronic criterion: 4.67 mg/l
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion, September 1986 Applicable waterbodies: Not used during this period.	Chronic criterion: 13 ug/l
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #85-01-8 Chronic criterion: 3.7 ug/l
Chemical: Pyrene Human health criterion (HTC): 3,500 ug/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	CAS #120-00-0
Chemical: Tetrachloroethylene Acute criterion: 1,220 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 152 ug/l

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Chemical: Tetrahydrofuran CAS #109-99-9
 Acute criterion: 216,000 ug/l Chronic criterion: 17,300 ug/l
 Date criteria derived: March 16, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: Toluene CAS #108-88-3
 Acute criterion: 8,080 ug/l Chronic criterion: 646 ug/l
 Date criteria derived: August 16, 1990, revised May 17, 1991 and
 January 26, 1993
 Applicable waterbodies:

07090005-029/off unnamed tributary to Coal Creek
 07120004-010/off Flag Creek
 07120004-012/off tributary to Silver Creek
 07120004-016/off storm sewer to Salt Creek
 07130011-005/off Seminary Creek to Apple Creek
 07130011-011/off tributary to North Branch Mauvaise Terre Creek
 07140202-012/off North Fork Stream tributary to Carlyle Lake
 07140202-023/off Lanes Branch, Dry Fork, Kaskaskia River

Chemical: 1,2,4-trichlorobenzene CAS #120-82-1
 Acute criterion: 353 ug/l Chronic criterion: 69.2 ug/l
 Date criteria derived: December 14, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: 1,1,1-trichloroethane CAS #71-55-6
 Acute criterion: 4,910 ug/l Chronic criterion: 393 ug/l
 Date criteria derived: October 26, 1992
 Applicable waterbodies:

Not used during this period.

Chemical: 1,1,2-trichloroethane CAS #79-00-5
 Acute criterion: 19,000 ug/l Chronic criterion: 3,540 ug/l
 Human health criterion (HNC): 12 ug/l
 Date criteria derived: December 13, 1993
 Applicable waterbodies:

Not used during this period.

Chemical: Trichloroethylene CAS #79-01-6
 Acute criterion: 11,700 ug/l Chronic criterion: 940 ug/l
 Date criteria derived: October 23, 1992
 Applicable waterbodies:

Not used during this period.

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Chemical: Xylenes CAS # 1330-20-7
 Acute criterion: 1,500 ug/l Chronic criterion: 117 ug/l
 Date criteria derived: August 23, 1990
 Applicable waterbodies:

07090005-029/off unnamed tributary to Coal Creek
 07120004-010/off Flag Creek
 07120004-012/off tributary to Silver Creek
 07120004-016/off storm sewer to Salt Creek
 07130011-005/off Seminary Creek to Apple Creek
 07130011-011/off tributary to North Branch Mauvaise Terre Creek
 07140202-012/off North Fork Stream tributary to Carlyle Lake
 07140202-023/off Lanes Branch, Dry Fork, Kaskaskia River

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
 Illinois Environmental Protection Agency
 Division of Water Pollution Control
 2200 Churchill Road
 Post Office Box 19276
 Springfield, Illinois 62794-9276
 217/782-3362

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NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures to be followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions

2) Code Citation: 35 Ill. Adm. Code 276

3) Register Citation to Notice of Proposed Amendments:

20 Ill. Reg. 4100 March 15, 1996

4) Date, Time and Location of Public Hearing:

The Agency will hold a public hearing for this proposed rulemaking on April 10, 1996 at 1:00 P.M. at:

Room 8-032
James R. Thompson Center
100 W. Randolph St.
Chicago, IL 60601

5) Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

STRATTON OFFICE BUILDING

ROOM C-1

SPRINGFIELD, ILLINOIS

10:00 A.M.

MARCH 26, 1996

NOTICES: Due to Register submittal deadlines, the Agenda below is incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Agriculture

Grain Code (8 Ill Adm Code 281)

-First Notice Published: 20 Ill Reg 1 - 1/5/96

-Expiration of Second Notice Period: 4/19/96

Repeal of Illinois Grain Insurance Act (8 Ill Adm Code 285)

-First Notice Published: 20 Ill Reg 25 - 1/5/96

-Expiration of Second Notice Period: 4/19/96

Repeal of Public Grain Warehouse and Warehouse Receipts Act (8 Ill Adm Code 505)

-First Notice Published: 20 Ill Reg 33 - 1/5/96

-Expiration of Second Notice Period: 4/19/96

Repeal of Grain Dealers (8 Ill Adm Code 600)

- First Notice Published: 20 Ill Reg 15 - 1/5/96
- Expiration of Second Notice Period: 4/19/96

CorrectionsPublic Relations (20 Ill Adm Code 103)

- First Notice Published: 19 Ill Reg 15567 - 11/17/95
- Expiration of Second Notice Period: 4/5/96

EducationPublic Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)

- First Notice Published: 19 Ill Reg 16403 - 12/15/95
- Expiration of Second Notice Period: 4/7/96

Financial InstitutionsTransmitters of Money Act (38 Ill Adm Code 205)

- First Notice Published: 19 Ill Reg 16423 - 12/15/95
- Expiration of Second Notice Period: 3/28/96

Consumer Installment Loan Act (38 Ill Adm Code 110)

- First Notice Published: 19 Ill Reg 16410 - 12/15/95
- Expiration of Second Notice Period: 3/28/96

Illinois Credit Union Act (38 Ill Adm Code 190)

- First Notice Published: 19 Ill Reg 16415 - 12/15/95
- Expiration of Second Notice Period: 3/28/96

Gaming BoardRiverboat Gambling (86 Ill Adm Code 3000)

- First Notice Published: 19 Ill Reg 15308 - 11/13/95
- Expiration of Second Notice Period: 3/28/96

InsuranceSurplus Line Business Requirements (50 Ill Adm Code 2801)

- First Notice Published: 19 Ill Reg 14232 - 10/13/95
- Expiration of Second Notice Period: 4/5/96

Definition of Salary (50 Ill Adm Code 6302)

- First Notice Published: 19 Ill Reg 13707 - 10/6/95
- Expiration of Second Notice Period: 3/28/96

LaborIllinois Child Labor Law (56 Ill Adm Code 250)

- First Notice Published: 19 Ill Reg 15154 - 11/3/95
- Expiration of Second Notice Period: 3/28/96

State/Local Labor Relations BoardPublic Information, Rulemaking and Organization (2 Ill Adm Code 2500)

- First Notice Published: 20 Ill Reg 674 - 1/12/96
- Expiration of Second Notice Period: 4/20/96

Freedom of Information (2 Ill Adm Code 2501)

- First Notice Published: 20 Ill Reg 662 - 1/12/96
- Expiration of Second Notice Period: 4/20/96

General Procedures (80 Ill Adm Code 1200)

- First Notice Published: 20 Ill Reg 669 - 1/12/96
- Expiration of Second Notice Period: 4/20/96

Representation Proceedings (80 Ill Adm Code 1210)

- First Notice Published: 20 Ill Reg 684 - 1/12/96
- Expiration of Second Notice Period: 4/20/96

Unfair Labor Practice Proceedings (80 Ill Adm Code 1220)

- First Notice Published: 20 Ill Reg 691 - 1/12/96
- Expiration of Second Notice Period: 4/20/96

Mental Health and Developmental DisabilitiesRecipient Rights (59 Ill Adm Code 111)

- First Notice Published: 19 Ill Reg 13487 - 9/29/95
- Expiration of Second Notice Period: 4/6/96

Natural ResourcesUrban and Community Forestry Grant Program (17 Ill Adm Code 1538)

- First Notice Published: 20 Ill Reg 973 - 1/19/96
- Expiration of Second Notice Period: 4/18/96

Professional RegulationIllinois Professional Land Surveyor Act of 1989 (68 Ill Adm Code 1270)

- First Notice Published: 20 Ill Reg 1118 - 1/19/96
- Expiration of Second Notice Period: 4/17/96

Naprapathic Practice Act (68 Ill Adm Code 1295)

- First Notice Published: 20 Ill Reg 1124 - 1/19/96
- Expiration of Second Notice Period: 4/17/96

Public AidPractice in Administrative Hearings (89 Ill Adm Code 104)

- First Notice Published: 19 Ill Reg 15353 - 11/13/95
- Expiration of Second Notice Period: 4/17/96

Aid to Families with Dependent Children (89 Ill Adm Code 112)

-First Notice Published: 19 Ill Reg 12927 - 9/15/95
-Expiration of Second Notice Period: 3/30/96

Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 19 Ill Reg 13759 - 10/6/95
-Expiration of Second Notice Period: 4/17/96

Related Program Provisions (89 Ill Adm Code 117)
-First Notice Published: 19 Ill Reg 13816 - 10/6/95
-Expiration of Second Notice Period: 4/17/96

Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 19 Ill Reg 13797 - 10/6/95
-Expiration of Second Notice Period: 3/31/96

Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 19 Ill Reg 16134 - 12/8/95
-Expiration of Second Notice Period: 4/11/96

Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 19 Ill Reg 15347 - 11/13/95
-Expiration of Second Notice Period: 4/17/96

Demonstration Programs (89 Ill Adm Code 170)
-First Notice Published: 19 Ill Reg 15786 - 11/27/95
-Expiration of Second Notice Period: 3/30/96

Demonstration Programs (89 Ill Adm Code 170)
-First Notice Published: 19 Ill Reg 13789 - 10/6/95
-Expiration of Second Notice Period: 4/17/96

Demonstration Programs (89 Ill Adm Code 170)
-First Notice Published: 19 Ill Reg 11316 - 8/4/95
-Expiration of Second Notice Period: 4/17/96

Public Health

Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)

-First Notice Published: 19 Ill Reg 14703 - 10/20/95
-Expiration of Second Notice Period: 4/14/96

Sheltered Care Facilities Code (77 Ill Adm Code 330)
-First Notice Published: 19 Ill Reg 14660 - 10/20/95
-Expiration of Second Notice Period: 4/14/96

Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)

-First Notice Published: 19 Ill Reg 14561 - 10/20/96
-Expiration of Second Notice Period: 4/14/96

Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)
-First Notice Published: 19 Ill Reg 14607 - 10/20/96
-Expiration of Second Notice Period: 4/16/96

Voter Registration for WIC Applicants and Participants (77 Ill Adm Code 670)
-First Notice Published: 19 Ill Reg 14750 - 10/20/96
-Expiration of Second Notice Period: 4/21/96

AIDS Drug Reimbursement Programs (77 Ill Adm Code 692)
-First Notice Published: 19 Ill Reg 7121 - 5/26/95
-Expiration of Second Notice Period: 4/17/96

Racing Board

Account Wagering (11 Ill Adm Code 321)
-First Notice Published: 19 Ill Reg 12956 - 9/15/95
-Expiration of Second Notice Period: 3/28/96

Forbidden Conduct (11 Ill Adm Code 1320)
-First Notice Published: 19 Ill Reg 15814 - 11/27/95
-Expiration of Second Notice Period: 3/28/96

Horse Health Rules (11 Ill Adm Code 1431)
-First Notice Published: 19 Ill Reg 15817 - 11/27/95
-Expiration of Second Notice Period: 3/28/96

Rehabilitation Services

Individualized Written Rehabilitation Program (IWRP) (89 Ill Adm Code 572)
-First Notice Published: 12/22/95
-Expiration of Second Notice Period: 3/30/96

Services (89 Ill Adm Code 590)
-First Notice Published: 19 Ill Reg 15820 - 11/27/95
-Expiration of Second Notice Period: 3/28/96

Services (89 Ill Adm Code 590)
-First Notice Published: 19 Ill Reg 15366 - 11/13/95
-Expiration of Second Notice Period: 3/30/96

Program Description (89 Ill Adm Code 676)
-First Notice Published: 19 Ill Reg 16811 - 12/22/95
-Expiration of Second Notice Period: 3/30/96

Determination of Need (DON) and Resulting Services Cost Maximums (SCMS) (89 Ill Adm Code 679)

-First Notice Published: 19 Ill Reg 16803 - 12/22/95
-Expiration of Second Notice Period: 3/30/96

Eligibility (89 Ill Adm Code 682)

-First Notice Published: 19 Ill Reg 15362 - 11/13/95
 -Expiration of Second Notice Period: 3/30/96

Repeal of Total Life Planning Program (89 Ill Adm Code 895)
 -First Notice Published: 19 Ill Reg 15601 - 11/17/95
 -Expiration of Second Notice Period: 3/30/96

Secretary of State

Literacy Grant Program (23 Ill Adm Code 3040)
 -First Notice Published: 19 Ill Reg 16815 - 12/22/95
 -Expiration of Second Notice Period: 3/30/96

Transportation

Procedures (92 Ill Adm Code 107)
 -First Notice Published: 19 Ill Reg 16905 - 12/29/95
 -Expiration of Second Notice Period: 4/11/96

General Information, Regulations and Definitions (92 Ill Adm Code 171)
 -First Notice Published: 19 Ill Reg 16890 - 12/29/95
 -Expiration of Second Notice Period: 4/11/96

Hazardous Materials Table and Hazardous Materials Communications (92 Ill Adm Code 172)
 -First Notice Published: 19 Ill Reg 16900 - 12/29/95
 -Expiration of Second Notice Period: 4/10/96

Shippers General Requirements for Shipments and Packagings (92 Ill Adm Code 713)
 -First Notice Published: 19 Ill Reg 16912 - 12/29/95
 -Expiration of Second Notice Period: 4/10/96

Carriage by Public Highway (92 Ill Adm Code 177)
 -First Notice Published: 19 Ill Reg 16881 - 12/29/95
 -Expiration of Second Notice Period: 4/11/96

Specifications for Packagings (92 Ill Adm Code 178)
 -First Notice Published: 19 Ill Reg 16918 - 12/29/95
 -Expiration of Second Notice Period: 4/10/96

Specifications for Tank Cars (92 Ill Adm Code 179)
 -First Notice Published: 19 Ill Reg 16929 - 12/29/95
 -Expiration of Second Notice Period: 4/11/96

Continuing Qualification and Maintenance of Packaging (92 Ill Adm Code 180)
 -First Notice Published: 19 Ill Reg 16885 - 12/29/95
 -Expiration of Second Notice Period: 4/10/96

EMERGENCY & PEREMPTORY RULEMAKINGS

Central Management Services

Pay Plan (80 Ill Adm Code 310) (Emergency)
 -Notice Published: 20 Ill Reg 4060 - 3/8/96

Children and Family Services

Background Checks (89 Ill Adm Code 385) (Emergency)
 -Notice Published: 20 Ill Reg 3930 - 3/1/96

Licensing Standards for Foster Family Homes (89 Ill Adm Code 402) (Emergency)
 -Notice Published: 20 Ill Reg 3954 - 3/1/96

Placement and Visitation Services (89 Ill Adm Code 301) (Emergency)
 -Notice Published: 20 Ill Reg 3961 - 3/1/96

Criminal Justice Information Authority

Operating Procedures for the Administration of Federal Funds (20 Ill Adm Code 1520) (Emergency)
 -Notice Published: 20 Ill Reg 3335 - 2/16/96

Public Aid

General Assistance (89 Ill Adm Code 114) (Emergency)
 -Notice Published: 20 Ill Reg 4445 - 3/15/96

Public Health

Drinking Water Systems Code (77 Ill Adm Code 900) (Emergency)
 -Notice Published: 20 Ill Reg 3968 - 3/1/96

Local Health Protection Grant Rules (77 Ill Adm Code 615) (Emergency)
 -Notice Published: 20 Ill Reg 3974 - 3/1/96

AGENCY RESPONSES

Public Aid

Long Term Care Reimbursement Changes (89 Ill Adm Code 153)
 -First Published: 7/14/95
 -Recommendation Date: 11/14/95
 -Response: Agreement

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 5, 1996 through March 11, 1996 and have been scheduled for review by the Committee at its March 26, 1996 or April 23, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/18/96	Department of Natural Resources, Urban and Community Forestry Grant Program (17 Ill Adm Code 1538)	1/19/96 20 Ill Reg 973	3/26/96
4/19/96	Department of Agriculture, Grain Code (8 Ill Adm Code 281)	1/5/96 20 Ill Reg 1	3/26/96
4/19/96	Department of Agriculture, Repeal of Grain Dealers (8 Ill Adm Code 600)	1/5/96 20 Ill Reg 15	3/26/96
4/19/96	Department of Agriculture, Repeal of Illinois Grain Insurance Act (8 Ill Adm Code 285)	1/5/96 20 Ill Reg 25	3/26/96
4/19/96	Department of Agriculture, Repeal of Public Grain Warehouse and Warehouse Receipts Act (8 Ill Adm Code 505)	1/5/96 20 Ill Reg 33	3/26/96
4/20/96	Illinois State/Local Labor Relations Board, Freedom of Information (2 Ill Adm Code 2501)	1/2/96 20 Ill Reg 662	3/26/96
4/20/96	Illinois State/Local Labor Relations Board, General Procedures (80 Ill Adm Code 1200)	1/12/96 20 Ill Reg 669	3/26/96
4/20/96	Illinois State/Local Labor Relations Board, Public Information, Rulemaking and Organization (2 Ill Adm Code 2500)	1/12/96 20 Ill Reg 674	3/26/96

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

4/20/96	Illinois State/Local Labor Relations Board, Representation Proceedings (80 Ill Adm Code 1210)	1/12/96 20 Ill Reg 684	3/26/96
4/20/96	Illinois State/Local Labor Relations Board, Unfair Labor Practice Proceedings (80 Ill Adm Code 1220)	1/12/96 20 Ill Reg 691	3/26/96
4/21/96	Department of Public Health, Voter Registration for WIC Applicants and Participants (77 Ill Adm Code 670)	10/20/95 19 Ill Reg 14750	3/26/96
4/24/96	Department of Public Health, Illinois Swimming Pool and Bathing Beach Code (77 Ill Adm Code 820)	1/19/96 20 Ill Reg 1164	4/23/96
4/24/96	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	10/20/95 19 Ill Reg 14541	4/23/96
4/24/96	Department of Labor, Health and Safety (56 Ill Adm Code 350)	12/22/95 19 Ill Reg 16758	4/23/96
4/24/96	Pollution Control Board, Definitions and General Provisions (35 Ill Adm Code 211)	12/1/95 19 Ill Reg 15925	4/23/96
4/24/96	Pollution Control Board, Visible and Particulate Matter Emissions (35 Ill Adm Code 212)	12/1/95 19 Ill Reg 15940	4/23/96
4/24/96	Department of Corrections, Records of Committed Persons (20 Ill Adm Code 107)	1/5/96 20 Ill Reg 54	4/23/96

PROCLAMATIONS

96-087

CASIMIR PULASKI DAY

Whereas, Polish war hero Casimir Pulaski fought and died valiantly and helped Colonial America win its battle for independence during the Revolutionary War; and

Whereas, born in Poland on March 4, 1747, Casimir Pulaski symbolizes the courage, patriotism and determination of Polish Americans and Slavic Americans who have worked and fought to help make our country great; and

Whereas, this individual was willing to make the supreme sacrifice through his death in battle while defending our nation and it is fitting that we in Illinois set aside the first Monday of each March to honor him, as early Illinois settlers honored him by naming Pulaski County in Southern Illinois and Mt. Pulaski in Central Illinois; and

Whereas, many observances are being held in honor of Casimir Pulaski, including celebrations at the Polish Museum of America and Truman College;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4, 1996, as CASIMIR PULASKI DAY in Illinois.

Issued by the Governor February 26, 1996.

Filed by the Secretary of State March 7, 1996.

96-088

MOTHER OF THE YEAR DAY

Whereas, in order to provide an appropriate occasion for honoring the Illinois State Mother of the Year, as well as all the mothers in our state, it is a pleasure to call upon the citizens to observe Saturday, March 2, 1996, as Mother of the Year Day in Illinois; and

Whereas, it is not within our power to provide an honor commensurate with the love and devotion that is inherent in motherhood, but it is entirely appropriate that we demonstrate, as best we can, the sincere appreciation we feel for the unselfish guidance and unfailing loyalty that only a mother can provide; and

Whereas, it is especially important at this time, when the sanctity of the home and stability of our society are so vital to preservation of our free way of life, that we honor the Illinois Mother of the Year as the symbol of those women, who with great patience and understanding, shape our destiny; and

Whereas, the 1996 Illinois Mother of the Year is Louise Kabat of Sneller, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 2, 1996, as MOTHER OF THE YEAR DAY in Illinois.

Issued by the Governor February 27, 1996.

Filed by the Secretary of State March 7, 1996.

96-089

CAROLYN KAZMIERCZAK COMMEMORATED

Whereas, Carolyn Kazmierczak was born on December 19, 1975, the fourth child of Rosemary and Alex Kazmierczak; and

Whereas, she attended St. Gerald Grammar School and Mt. Assisi Academy in

addition to other schooling at Moraine Valley Community College and Fox School of Business; and

Whereas, in 1994, Carolyn qualified as a member of the Land of Lincoln Youth Team and competed at the All American Quarter Horse Congress Competition in Columbus, Ohio; and

Whereas, that same year, she was elected to the Board of Directors of the Land of Lincoln Quarter Horse Association; and

Whereas, in 1995, Carolyn reigned as Queen of the Land of Lincoln Quarter Horse Association and in that capacity was privileged to represent them in the All American Quarter Horse Congress Queen competition and served as the only representative from Illinois; and

Whereas, Carolyn, through her dedication and hard work, stands as a role model for our youth to follow as they make positive contributions to improve the quality of life for all our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Carolyn Kazmierczak for her accomplishments and contributions and offer my best wishes for continued success on behalf of the citizens of this state.

Issued by the Governor February 23, 1996.

Filed by the Secretary of State March 7, 1996.

96-090

DENTAL ASSISTANTS RECOGNITION WEEK

Whereas, dental assistants, working with the dental profession, play an important part in maintaining the dental health of the citizens of Illinois and of the United States; and

Whereas, dental assistants, through their skills and knowledge, make dental care possible for increasing numbers of our citizens; and

Whereas, for more than 65 years, the American Dental Assistants Association has encouraged and made possible continuing education for dental assistants in order to enhance the delivery of dental health care to the public; and

Whereas, the American Dental Association and the Illinois Dental Assistants Association have designated the week of March 4-9, 1996, as Dental Assistants Recognition Week in Illinois and throughout the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4-9, 1996, as DENTAL ASSISTANTS RECOGNITION WEEK in Illinois.

Issued by the Governor February 29, 1996.

Filed by the Secretary of State March 7, 1996.

96-091

FRITZ CAMPBELL DAY

Whereas, Frederick "Fritz" Campbell was born September 14, 1915, in Wenona; and

Whereas, he and his wife Merleta are the proud parents of a daughter, Susan; and

Whereas, Fritz Campbell is a devoted family man and has unfailingly served his country and the community; and

Whereas, he served in the United States Army as a staff sergeant from 1941 to 1945, and he was an alderman from 1968 to 1973; and

Whereas, he has served as Mayor of Wenona since 1973, as precinct

committeeman for 26 years and as the Marshall County Chairman for 24 years; and Whereas, in addition, he is a member of the Wenona Cemetery Board; and Whereas, Fritz Campbell will retire after many years of dedicated service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 4, 1996, as FRITZ CAMPBELL DAY in Illinois in honor of his retirement and his service to the community and the citizens of our state.

Issued by the Governor March 4, 1996.

Filed by the Secretary of State March 7, 1996.

36-092

TREE CITY USA MONTH

Whereas, the forest resources of Illinois help to enhance the quality of life and provide economic well-being by providing benefits of energy conservation, environmental quality, social well-being, wood utilization, and job opportunities; and

Whereas, having programs to help manage urban and community forests will create an awareness and appreciation of trees as functional sustainable ecosystems and important natural resources within the State of Illinois; and

Whereas, each community needs to maintain healthy forest resources for enhanced public safety and well-being; and

Whereas, every citizen should be working to provide a natural ecological balance within the environment through responsible stewardship both individually and collectively; and

Whereas, more than 130 communities have qualified as Tree City USA Communities and have made significant contributions toward enhancing the quality of life by improving the forest resources of Illinois; and

Whereas, Illinois has, for the past three years, lead the nation in the number of Tree City USA communities achieving the "GROWTH AWARD" for innovation from the National Arbor Day Foundation; and

Whereas, 32 municipalities received Urban Forestry Assistance Act Grants for the establishment and enhancement of existing community forestry efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1996 as TREE CITY USA MONTH in Illinois and urge all citizens to work together to preserve the natural beauty of our state this month and throughout the year.

Issued by the Governor March 4, 1996.

Filed by the Secretary of State March 7, 1996.

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatale@cgate.sos.state.il.us (Internet address).

PROPOSED

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ILLINOIS REGISTER
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